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4 SELECT COMMITTEE TO INVESTIGATE THE  
5 JANUARY 6TH ATTACK ON THE U.S. CAPITOL,  
6 U.S. HOUSE OF REPRESENTATIVES,  
7 WASHINGTON, D.C.

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11 DEPOSITION OF: RUDOLPH GIULIANI

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15 Friday, May 20, 2022

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17 Washington, D.C.

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20 The deposition in the above matter was held via Webex, commencing at 10:03  
21 a.m.

22 Present: Representatives Luria, Aguilar, Lofgren, and Raskin.

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2     Appearances:

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5     For the SELECT COMMITTEE TO INVESTIGATE

6     THE JANUARY 6TH ATTACK ON THE U.S. CAPITOL:

7

8     [REDACTED], STAFF ASSOCIATE

9     [REDACTED] INVESTIGATIVE COUNSEL

10    [REDACTED] PROFESSIONAL STAFF MEMBER

11    [REDACTED] SENIOR INVESTIGATIVE COUNSEL

12    [REDACTED], SENIOR INVESTIGATIVE COUNSEL

13    [REDACTED] CHIEF INVESTIGATIVE COUNSEL

14    [REDACTED], INVESTIGATIVE COUNSEL

15    [REDACTED] CHIEF CLERK

16    [REDACTED], PARLIAMENTARIAN

17    [REDACTED] INVESTIGATIVE COUNSEL

18    [REDACTED] PROFESSIONAL STAFF MEMBER

19

20     For THE WITNESS:

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22     ROBERT J. COSTELLO

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2 Mr. [REDACTED] This is the deposition of Rudolph Giuliani, conducted by the House  
3 Select Committee to Investigate the January 6th Attack on the United States Capitol  
4 pursuant to House Resolution 503.

5 At this time, I'd like to ask the witness to state his full name and spell his last name  
6 for the record, please.

7 The Witness. Rudolph Giuliani, G-i-u-l-i-a-n-i.

8 Mr. [REDACTED] Good morning, Mr. Giuliani.

9 The Witness. Good morning.

10 Mr. [REDACTED] This will be a staff-led deposition. My name is [REDACTED] I'm a  
11 senior investigative counsel for the select committee. I'm joined by [REDACTED] also  
12 Senior Investigative Counsel; and [REDACTED], Counsel for the select committee; [REDACTED]  
13 [REDACTED] our professional staff; and [REDACTED] is also present in the room.

14 We may have, and I see that we do, have other staff members from the select  
15 committee participating or observing on the Webex, and you'll see their names come up  
16 from time to time.

17 We also may have members of the select committee joining. I don't see any  
18 member in the participant list at this point; but if a member joins the deposition, I will do  
19 my best to recognize the member and note that that person is in the room. You'll  
20 see -- you can track the participants as well, but I'll do my best to keep an eye on it and  
21 make clear for the record if we have a member join us. Of course, even though this is  
22 staff-led, if the members choose to, they may ask questions as well.

23 At this time, Mr. Giuliani's counsel, can you identify yourself for the record?

24 Mr. Costello. Robert J. Costello, representing Mr. Giuliani.

25 Mr. [REDACTED] Before we begin, I know -- I want to turn it over to you in a moment,

1 Mr. Costello, but before we do that, I want to just go over a few ground rules.

2 We're going to follow the House deposition rules that were provided to you  
3 previously. Under the House deposition rules, counsel for other persons or government  
4 agencies may not attend, but you, Mr. Giuliani, are permitted to have an attorney  
5 present, as you do.

6 Under the House rules, neither committee members nor staff may discuss the  
7 substance of testimony you provide today, unless the committee approves its release.  
8 You and your attorney will have an opportunity to review the transcript.

9 There is an official reporter transcribing the record of this deposition. Please  
10 wait until each question is completed before you begin your response, and we'll try to  
11 wait until your response is complete before we begin our next question. As you know,  
12 the stenographer cannot record nonverbal responses, such as shaking your head, so it's  
13 important that you answer each question with an audible verbal response.

14 This Webex is being recorded. As we've discussed previously, I want to confirm  
15 on the record that neither -- that you're not recording the proceeding today.

16 The Witness. We are not recording it.

17 Mr. [REDACTED] And there is no one else present in the room besides the two of you?

18 Mr. Costello. Right. Yeah.

19 Mr. [REDACTED] If there's a colleague in the room, that's fine.

20 The Witness. I mean, the reality is that somebody comes in and out, and we  
21 should just tell her not to do that. So nobody is present. You should not come in and  
22 out, Maria.

23 My partner, my partner and -- who has worked with me on this case was going to  
24 sit in, but I've now just asked her to leave.

25 Mr. [REDACTED] Thank you, Mr. Giuliani.

1 I'll note for the record that Ms. Lofgren, I don't see her name --

2 The Witness. There is now no one in the room.

3 Mr. [REDACTED] Okay. And I see Ms. Lofgren has joined the room virtually. She's I  
4 see her in the participant list.

5 The Witness. Okay.

6 Mr. [REDACTED] We will -- of course, Mr. Giuliani, you've, I'm sure, taken and maybe  
7 participated in depositions in the past. We'll ask that you provide complete answers,  
8 based on the best of your recollection. If my question is not clear, please ask for  
9 clarification. And if you don't know an answer to a question, of course, just simply say  
10 so.

11 You may only refuse to answer a question to preserve a privilege recognized by  
12 the select committee. If you refuse to answer a question based on privilege, staff may  
13 either proceed with the deposition or seek a ruling from the chair on the objection. If  
14 the chair overrules such an objection, you are required to answer the question.

15 Please don't hesitate to ask us to repeat a question if it's not clear. If you need  
16 to consult with your counsel during this interview, that's not a problem. You can have a  
17 brief sidebar, we can take a break for you to confer in private, whatever you prefer. And  
18 if you need a break for any other purpose during the interview, please just -- or the  
19 deposition, please just let us know.

20 I want to remind you that -- and I'm not insinuating anything by this statement.  
21 We state it to all witnesses. I want to remind you that it is unlawful to deliberately  
22 provide false information to Congress. And since this deposition is under oath,  
23 providing false information could also result in criminal prosecution for perjury or  
24 providing false statement. Do you understand that?

25 The Witness. Of course, I do. Yes.

1 [REDACTED] Can you please raise your right hand and be sworn.

2 The Reporter. Do you solemnly declare and affirm under the penalty of perjury  
3 that the testimony you are about to give will be the truth, the whole truth, and nothing  
4 but the truth?

5 The Witness. I do.

6 [REDACTED] Mr. Costello, before we begin with the questioning, is there  
7 something you wanted to put on the record?

8 Mr. Costello. Yes. Just you and I have had numerous discussions, and I told you  
9 that our position is that there are legal infirmities to the existence of the committee as  
10 well as its ability to subpoena witnesses.

11 I'm not going to burden the record. We put all of these objections on the record  
12 in United States v. Bannon, a criminal contempt case now pending in the District Court for  
13 the District of Columbia. And I just want to reference them.

14 That's not going to prevent us from sitting here and answering your questions, but  
15 I wanted to note for the record that we do not recognize the legality of this committee or  
16 the subpoena that was issued. I think that covers it.

17 [REDACTED] Great. Thank you, Mr. Costello.

18 So if we could pull up exhibit 1.

19 Mr. Costello. Who is pulling up the exhibit?

20 [REDACTED] is doing it. And you'll let me know in a minute if you see it.

21 Are you able to see that?

22 Mr. Costello. Yes.

23 The Witness. Yes.

24 EXAMINATION

25 BY [REDACTED]:

1 Q Okay. So that, Mr. Giuliani, is that a subpoena that you were served with in  
2 connection with this deposition?

3 A Yes, sir.

4 Q And you are testifying here today in response to that subpoena. Is that  
5 right?

6 A Well, I thought I was testifying voluntarily, largely because I don't recognize  
7 the validity of the subpoena because there was no consultation with a --

8 Mr. Costello. Ranking minority.

9 The Witness. -- ranking minority member, because there is no ranking minority  
10 member because they were rejected by the Speaker of the House. And for the reasons  
11 that Bob states, it's my position that this is an entirely illegal proceeding. So I do not  
12 recognize the validity of the subpoena. I'm here voluntarily.

13 BY [REDACTED]

14 Q Okay. Well, we did have some discussions with your counsel about a  
15 transcribed interview that we would do in lieu of the deposition, pursuant to certain  
16 conditions. And that -- that -- you, the day before that deposition decided not to come  
17 in, and so we went ahead and set this deposition. That's what we're here for today.

18 Are you prepared to go forward with the questioning?

19 Mr. Costello. Yes, we are, [REDACTED] You can call it a deposition. We'll call it an  
20 interview. It doesn't matter what we call it. We're not going to use any legal  
21 impediment to prevent you from going forward right now.

22 BY [REDACTED]

23 Q Okay. Mr. Giuliani, prior to the 2020 election, did you play any role in the  
24 2020 Trump campaign?

25 A Yes.

1 Q In what capacity?

2 A Mostly, I would say, almost exclusively, as his personal attorney.

3 Q Were you an adviser on campaign or political issues, or just legal issues?

4 A I'm trying to remember the date I was retained.

5 Mr. Costello. April.

6 The Witness. It would have been April --

7 Mr. Costello. '18.

8 The Witness. Of -- 2018. It was announced in March of -- in May of 2018. It  
9 might even have been in March. Up until that point, I had been an adviser to him, oh  
10 my goodness, since 2016. But when I became his personal attorney, I was no longer an  
11 adviser to the campaign.

12 So I don't know. I would have to say that there would be times in which I  
13 discussed political questions with him, but largely, I tried to confine my role to being an  
14 attorney and stayed out of the political aspects of the campaign, had very little to do with  
15 that.

16

BY

17 Q Okay. And I want to also respect your attorney-client relationship, and my  
18 questions are not intended to delve into legal advice that you gave to the President in  
19 that timeframe.

20 So I am just focused to the extent you had some limited involvement in political or  
21 campaign issues, that's the thrust of my questions on this topic. Understood?

22 A I should tell you that those, to a very large extent, are very hard to separate,  
23 but go ahead with the questions and I'll do my best.

24 Q Great. Did you consult with President Trump regarding messaging strategy  
25 in connection with the 2020 campaign?



1           A    I would say my consultations with him with regard to messaging were almost  
2 purely for legal defense. My -- I saw my role as protecting him legally, and the campaign  
3 had to protect him politically.

4           So I would say, as far as messaging, what he would say to the public, my advice to  
5 him would have come from what I thought was legally the best thing for him to do in his  
6 own defense.

7           Q    In defense of a particular proceeding or action that was contemplated?

8           A    When I began representing him, he was under investigation by the House for  
9 impeachment for Russian collusion. And that investigation had gone on for quite some  
10 time.

11           I came in replacing John Dowd. I don't know if it was midway through the  
12 investigation, but it seemed to me like it was about midway during the investigation.  
13 And from that point on, there was that impeachment and then the second impeachment.

14           The vast majority, if not all of my activities, were designed to defend him against  
15 that, and also the possibility of a separate prosecution, which had not been resolved at  
16 the point that I came in, the question of whether you could criminally prosecute a sitting  
17 President.

18           Q    Understood. During the -- let me focus the question on one particular  
19 aspect of the messaging, and maybe that will be a way to get to this. And I'll note for  
20 the record, Mr. Aguilar has joined the deposition.

21           Mr. Giuliani, prior to the election, President Trump repeatedly raised concerns  
22 about the integrity of the election. Were you involved at all in formulating those  
23 messages?

24           Mr. Costello. Excuse me one second. You're talking about the 2020 election?

25           [REDACTED] Yes.

1

BY

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Q That prior to the election, the President made comments about the fact that

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the election would be rigged or might be stolen, things to that effect.

4

Were you involved at all in helping to formulate those messages?

5

A I'm not sure how to answer this without violating the privilege.

6

Q Okay.

7

A Let me -- can I think about it a moment?

8

Q Sure.

9

A I want to help you with what I can help you with, but I certainly don't want

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to violate the privilege.

11

I think I can answer that question by saying that my advice, when I was asked for

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it, on issues like that, which I don't recall coming up with me very much, would have been

13

how would that affect an investigation, or a pending -- could be at the earliest stage when

14

the Congress was considering the impeachment. It could have been after the

15

impeachment in the Senate.

16

Sometimes things would be run past me, like should we say this? What impact

17

would this have on the legal proceedings? And then I would give my advice.

18

So I would consider that attorney-client privilege. I was doing it from -- I tried

19

very hard to put myself in the role of a lawyer, because it seemed to me that's why I was

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there.

21

He has -- he has government counsel, but government counsel is not totally loyal

22

to him. And that's why Presidents going back to Reagan, who I worked for, and

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probably before that, always retained private counsel when there was an investigation, so

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they could have a lawyer that was 100 percent loyal to them.

25

So myself -- and it wasn't just me. It was myself, Jay Sekulow, Mr. and Mrs.

1 Raskin, we were the principal -- we were a team. And it was our job to stay focused on  
2 legal issues, and we tried to be very disciplined about that, so we didn't step over into the  
3 political sphere. Even if we may have had our own personal opinions about it, we never  
4 expressed them.

5 Q So --

6 A I should be more careful. We tried never to express them. Who knows if  
7 things ever slip over, but we tried in good faith to give our best legal judgment about the  
8 things we were asked.

9 Q So I don't want to mischaracterize what you said, but what I'm  
10 understanding is that, to the extent that you may have had discussions with President  
11 Trump about particular messaging during the campaign, your input there would have  
12 been through the lens of an attorney, and, therefore, you're not comfortable or you don't  
13 feel you can discuss it. Is that -- am I characterizing that properly?

14 A And so you understand the nature of the privilege, I don't mind generically  
15 describing it as -- and it was rare and, frankly, I'm having a hard time thinking of a  
16 particular situation. I can think of it generically, but it would be, we think that would  
17 hurt with the committee, or we think -- I don't remember when we said, we think that  
18 would help, but it could have been that.

19 And that would have been done usually by me and Jay Sekulow. We were the  
20 two lawyers who were principally in contact with him, although Mr. and Mrs. Raskin had a  
21 fair amount of contact also. So it would have only been me.

22 Q When you say Mr. and Mrs. Raskin, who are you referring to?

23 A They are attorneys in Florida, very distinguished criminal defense attorneys,  
24 former Justice Department employees. When John Dowd left in March of 2018, Jay  
25 Sekulow reformed the team, and he -- well, the President hired me, but he recommended

1 me as well as Jane and Marty Raskin, who are very experienced criminal defense lawyers,  
2 also former Justice Department officials, to join the team.

3 And we were the principal team. There were other lawyers, but we were the  
4 four that were mostly in contact with him.

5 Q Let me move to election night. Did you watch the election returns from the  
6 White House?

7 A Most of the night, not the entire night.

8 Q Were you in the White House residence during the sort of past midnight into  
9 the early morning hours of November 4th?

10 A Yes. Oh, sure. It went over beyond midnight, yes.

11 Q Do you recall who else was present in the area where you were in the White  
12 House residence?

13 A Dr. Maria Ryan, who is the president of my company and my partner. I  
14 spent a fair amount of the night with Newt Gingrich, I remember that. And then, so  
15 many other people, it would be hard to -- it would be hard to remember. The one I  
16 remember having the most time with was Newt.

17 Q It was not an intimate gathering, there were many people there, I take it?

18 A Oh, no, no, it was very, very crowded and everybody had a table. We had a  
19 table where we could see a lot of the returns. And at different times, different people  
20 sat down at that table.

21 Q Did you have any interactions with Bill Stepien that night?

22 A I believe only as part of a group. I don't remember having a separate  
23 conversation with him. I may have. I know Bill for many, many years. He worked on  
24 my campaign for President. And I could have, but I don't -- I don't recall a separate  
25 conversation with him.

1           Q    How about Mark Meadows, do you remember talking to Mark Meadows  
2   that night?

3           A    I did talk to Mark that night, yes.

4           Q    Do you recall any discussions with Mr. Meadows or Mr. Stepien after FOX  
5   had called Arizona for Biden?   Do you recall that being sort of a watershed sort of event  
6   that night?

7           A    Yes.   I was -- I don't -- I don't recall a conversation with any particular  
8   person about that, but I recall my reaction to it, and I probably said it to a number of  
9   people, which is, I thought the call was highly immature.

10               Based on -- based on the polls that we had in Arizona, it looked like we were going  
11   to win by four or five points.   It was very, very early.   I'm not even sure if he wasn't  
12   ahead when they called it.   And there were other States that were way advanced at that  
13   point that they hadn't called, like Pennsylvania at 800,000, or a couple of others with 80  
14   percent at 3 and 4 percent.

15               And it seemed like a very, very -- I had never seen such an early call in a State with  
16   such a sparse sample of actual vote, and a State that, I guess in fantasy, would have to  
17   say, nobody could really predict.

18               As it turned out, I mean, whether you credit the -- the irregularities and voter  
19   fraud that we believe we found there.   Still, it was a 10,000-vote margin in a very large  
20   State, certainly not a State a that should have been called that early.   And that turned  
21   out to be, in retrospect, a terribly irresponsible decision.

22           Q    Were you part of any discussions with the people I mentioned, Mr. Stepien,  
23   Mr. Meadows, or anyone else, about whether the President should make any sort of  
24   speech on election night?

25           A    I -- I mean, I spoke to the President.   They may have been present.   But

1 the President -- I spoke to the President several times that night. I would have to say  
2 that's privileged, the conversations with the President.

3 I don't remember talking to them separately without the President, at least I don't  
4 have a distinct recollection of a conversation with them separately without the President.

5 Q And your position is that the conversations that you had about election  
6 returns and whether you should make a speech were attorney-client privileged?

7 A Yes. Bearing on the fact that it was obvious at that point that this was  
8 going to be a contested election. We had read for a number of months that the  
9 Democratic Party had put together a massive legal effort to challenge the election.

10 President Biden had said that he had the best fraud team ever assembled. Of  
11 course, you know, we used that as a sarcastic response to that, that he had a fraud team,  
12 but I know what he meant by that, he had an antifraud team. And there was quite a bit  
13 of bragging about how big it was, how much money was spent on it.

14 And then Hillary Clinton made a very, very unusual comment, that as a lawyer,  
15 really troubled me. She said no matter how much Biden was losing by, he should not  
16 concede.

17 So you put that all together, and for about 2 months before the election, we knew  
18 that whatever the margin of victory, they were going to contest the election, particularly  
19 when Hillary Clinton made it so open-ended. She advised publicly the candidate not to  
20 concede no matter what the margin of victory was on election night.

21 You combine that with the numerous newspaper stories of -- I can't remember the  
22 number, thousands and thousands of lawyers that had been retained in different States,  
23 it seemed to me that that advice that I gave him was legal advice.

24 Q Did you say -- you were on Steve Bannon's show the morning of the election,  
25 November 3rd, so before polls maybe even opened, or certainly before they closed on

1 November 3rd. And you made a comment along the lines of if we're up or if we're  
2 within a particular range, we're going to declare victory.

3 Do you remember saying anything along those lines to Mr. Bannon before the  
4 election or before the election was reported?

5 A I don't recall that, saying that. I recall thinking that. I don't recall saying  
6 it. I probably did say it.

7 Q Was your view going into the election that you felt that there  
8 would -- President Trump would be ahead at points early on in the evening? Did you  
9 have a sense of sort of the electoral -- the arc of the electoral map and what you  
10 perceived was going to happen on election night?

11 A My goodness, who has that? I don't know. I had a perception that they  
12 were going to cheat from numerous reports that I got that I didn't pay much attention to,  
13 because it wasn't my -- I knew it would eventually be my concern, but it wasn't my  
14 concern at the time.

15 Probably started getting reports of that back in -- when they started passing this  
16 legislation to allow universal mail-in voting, sometimes without identification. I've been  
17 well aware of the fact for years that mail-in voting is uniquely susceptible to fraud, often  
18 leads to the disqualification of votes in foreign countries, has been banned in 75 percent  
19 of the European countries, and was cited by Carter and Baker as the least reliable form of  
20 voting, and for obvious reasons, because it's much, much easier to fool around with the  
21 identification when the person is not in front of you.

22 And I've been through many, many campaigns, including my own first campaign,  
23 in which there were a large number of allegations of voter fraud, as well as the Bush 2000  
24 campaign.

25 I've campaigned in Pennsylvania many, many times, almost as much as New York,

1 because of my close friendship with Dick Thornburgh and as chief of staff, and I'm well  
2 aware of the massive amount of cheating that goes on in Philadelphia in almost every  
3 campaign, and the efforts you have to make to try to keep people from Camden, New  
4 Jersey, from coming into Philadelphia to vote.

5 Just like in New York, you have to be very, very careful about the busloads of  
6 people that are sent around and paid to vote eight or 10 times. In fact, it cost me \$1  
7 million of my second campaign for mayor to set up a security force to prevent that. And  
8 the people who ran that security force told me they think they prevented about 60  
9 percent of it.

10 So I have a long history of analysis of voter fraud. When I was associate Attorney  
11 General, I supervised a case in Chicago where Dan Webb handled the case. He would  
12 remember better, but it was a large, large number of dead people that had voted and  
13 people from out of State in an Illinois election.

14 So I'm very familiar with -- I have to say I've had a lot of experience with voter  
15 fraud. I'm not one of those people, like The New York Times, that believes that it's rare.  
16 I think particularly in old American cities, it's almost second nature to try to steal votes  
17 when you can, particularly if you control a particular district, and it's hard to get members  
18 of the other party to be inspectors.

19 So I was very worried about it but could pay no attention to it, and several times,  
20 just asked the campaign, Are you ready for a big challenge? I'd be stupid not to do that,  
21 because they were telling us there was going to be a big challenge.

22 And I was very suspicious of Hillary's comment that you shouldn't concede no  
23 matter what the vote is. That triggered in my mind, given my evaluation of her  
24 character, which is a person who is unscrupulous, that she was telling Biden, we got a  
25 plan to get you through, so don't worry even if you're five or six points behind, or more.



1           She didn't use -- I should say she didn't use a percentage. She just said, no  
2           matter how far you are behind, don't concede. That's a -- that's a -- that advice is  
3           somewhat absurd to say that, and a signal that there's something that's going to go on  
4           after the campaign.

5           Q     Is that what you were -- you've described at length your sort of history and  
6           background and knowledge of history regarding election fraud, but you said there were  
7           reports that you were getting that they were going to cheat.

8           Was there something specific that you had learned of or is it the Hillary Clinton  
9           comment that you're referring to?

10          A     No, it was specific things that I was hearing about complaints that were  
11          going to the campaign and litigation the campaign was involved in. At that time, very,  
12          very foggy in my mind, because it wasn't my main concern, but litigation with the  
13          changing of the rules in -- in violation of Article II of the Constitution, changing of the rules  
14          by the Governors and the Secretaries of State, and not the State legislatures, who have  
15          the sole plenary power over the selection of electors.

16          I knew there were a number of challenges like that. And I knew there were a  
17          number of complaints about what were described as the Zuckerberg boxes, that they  
18          were being stuffed, but I had no particulars.

19          Q     And you said you thought it was absurd for Ms. Clinton to suggest that Vice  
20          President at the time -- well, former Vice President Biden not concede, no matter how far  
21          down he was on election night. Is that -- was that your comment a few minutes ago?

22          A     Yeah, that was the comment that sort of crystallized all those complaints  
23          that I was getting about -- and I can't remember how many. It seemed like a lot, none of  
24          which I really followed up on, because I thought other people were doing it.

25          We did ask is there a team taking care of this, and we were assured that there

1 was. And we did occasionally read about litigation challenging changes in rules, the  
2 constitutionality of it.

3 I don't know if there was a challenge to those boxes before or after the campaign,  
4 but I know there was a challenge that they were disproportionately placed in very, very  
5 solid Democratic districts.

6 Q And everything you've just described, did that inform your view that it was  
7 appropriate to -- for President Trump to declare victory on election night, even if there  
8 were still contested States that had not yet declared, and he had not yet been sort of  
9 declared winner in enough States to have the 270 electoral votes?

10 A I lost confidence in the declaring winner process when -- when FOX called  
11 Arizona. And it seemed to me there were some States in which, going back in my  
12 memory of calling of States, would have been normally called for him if they were doing it  
13 fair and honestly. A 800-vote lead --

14 Mr. Costello. 800,000.

15 The Witness. 800,000-vote lead in Pennsylvania, which I think is 18 percent, 17  
16 percent, seemed to me -- seemed to me to be a vote that would have been called under  
17 normal circumstances.

18 I can't remember some of the others. I don't remember if it was Wisconsin  
19 or -- or Michigan. It would have been very hard to make up that vote. And he was  
20 ahead in so many of them, that would have put him well over the margin, at 65 to 85  
21 percent of the vote, that it really would have been totally impossible, it seemed to me,  
22 that all of them would turn around, every single one of them.

23

BY [REDACTED]

24 Q And did the campaign adviser, Mr. Stepien and others, Mr. Meadows, did  
25 they take a different view of what the President should say that night, in your presence?

1           A    I don't recall their doing that in my presence.  He did tell me that others  
2   had advised him not to do that and others had advised him to do it.

3           Q    And he ultimately did -- he did make a speech that night saying that, frankly,  
4   we did win this election.  Were you still at the White House when he made those  
5   remarks?

6           A    I was.  And I believe that to be true.

7           Q    And based on what you said already this morning, I take it that you believed  
8   that there had been fraud in the election at that point.

9                So at that point, meaning very early morning hours of November 4th, you had  
10   already formed the belief that there had been fraud in the election?

11          A    I wouldn't say I formed the belief.  I -- a very, very strong suspicion  
12   developed when I found out -- this is not a legal comment, so I can tell you this comment.  
13   I think I made it to Dr. Ryan and possibly to Newt Gingrich.  I said, they really should  
14   have shut down the voting in Philadelphia earlier, because it is almost statistically  
15   impossible for them now to come back.  I think it was at either 750- or 800,000.  By the  
16   way, we have several experts prepared to testify that it was statistically impossible to  
17   come back.

18          And I said, I think they made a mistake.  They should have closed this down  
19   earlier.  And then I was informed they had just closed down -- and they were supposed  
20   to count all night.  They had closed down Philadelphia.  They had closed -- and thrown  
21   all the Republicans out.  They had closed down Georgia and thrown all the Republicans  
22   out, and claimed some kind of a water main break, which it turned out happened actually  
23   at 10 in the morning, that they had closed down Detroit, claiming that people were too  
24   hungry, and sent all the Republicans home, although several remained behind  
25   surreptitiously.  There's someplace else also.

1 But within a few minutes, I was told they had closed all these votes down in what  
2 appeared to be Democrat-dominated cities, which have a history of corruption. And it  
3 seemed very odd they would do it in all of them. And the ones they did them in were  
4 States in which he was ahead. I cannot tell you if they did it in North Carolina. I don't  
5 think so.

6 In reality then, every one of those States that they closed down, even though he  
7 had either almost a dispositive lead or a very strong lead, all of them, after many days of  
8 counting, turned out to flip around every single one. And that, of course, seemed very  
9 odd to me.

10 But those were just general observations, not the specific evidence that I got,  
11 which amounts to, oh, I don't know, I want to say that we had 300 affidavits in  
12 Pennsylvania in which ordinary American citizens describe how they were taught to  
13 cheat, how they cheated, how they weren't allowed to look at ballots, how they were put  
14 behind barbed wire fences. It turned out I have 450 of those affidavits.

15 Q Well, we're going to talk about -- we're going to talk about some of those  
16 affidavits and the specific claims in a bit. So I'm just -- right now I'm just focused on your  
17 thoughts on election night, and I think you've shared your information on that.

18 [REDACTED] I want to note for the record that Mr. Raskin has joined us.

19 Mr. Raskin, I see that you're on camera. Do you have something that you'd like  
20 to ask at this point?

21 Mr. Raskin. No, thank you, not at this point.

22 BY [REDACTED]

23 Q Mr. Giuliani, at some point, did the President ask you to get involved in the  
24 efforts to challenge the election?

25 A Now, I think I would have to -- I would have to raise attorney-client privilege,

1 and also state -- can I confer with my attorney?

2 Q Yes.

3 A I'm willing to do it publicly.

4 Q No, why don't you put it on mute.

5 A I have a question about the attorney-client privilege that I don't remember  
6 the answer to.

7 [REDACTED] Okay. We're off the record.

8 [Discussion off the record.]

9 Mr. Costello. Are we back on?

10 Mr. [REDACTED] We're on the record, yes.

11 The Witness. I would like to assure you, for whatever it's worth, that my only  
12 concern here is that I not violate a legal privilege. It is not to withhold information from  
13 you, because I actually believe that if I gave you all the information you have, it would be  
14 exculpatory.

15 But I also have to worry about my law license, because I was suspended by the  
16 New York Bar for being a danger to the community because of the January 6th situation,  
17 in which a Federal judge has dismissed me from the lawsuit saying there's no evidence  
18 that I had any involvement in any of the violence that took place, dismissed me and  
19 Donald Jr. as opposed to the President, who I think will be dismissed on summary  
20 judgment, but that's just a legal -- so I want to assure you -- I want to assure you that the  
21 reason for the concern is I don't want to step over the line, and in any way violate the  
22 attorney-client privilege. So I asked Bob is the fact of retention privileged, and it's not.

23 Mr. Costello. That's privileged.

24 The Witness. It's not privileged.

25 Mr. Costello. No, our discussion.

1           The Witness. Our discussion is privileged. Thank you, Bob.

2           But the fact of retention by the President is not. And yes, the President retained  
3 me as his attorney and I acted as his attorney.

4

BY [REDACTED]

5           Q Okay. Now I'm going to ask you some questions about your work on the  
6 campaign challenges, and if you have an attorney-client privilege that you need to assert,  
7 then just please do so. I'm not trying to invade any conversations that you've had, but --

8           A I understand that and respect it.

9           Q So when you -- at some point, did you take over the work that was being  
10 done by -- that had previously been done by lawyers who were retained by or hired by  
11 the campaign?

12          A Yes. That was the nature of the retention, actually. It happened -- it  
13 happened the day after the election. Now, there are -- I just should qualify that with  
14 there are some of my associates who think it happened 2 days after the election, but I  
15 know it happened the day after.

16          And when we woke up that morning and I saw everything flip, I was, of course, in  
17 shock, and also, sure that they had counted ballots during the night, even though they  
18 said they weren't, which I thought was disgraceful.

19          And I went over to see the President. He either called me to come over, or I  
20 went over or called him to go -- in any event, I went over to see the President and sit in  
21 the Oval Office with him.

22          And -- and we had -- we had a conversation that I would have to say was  
23 privileged, because it would be what you would call pre-retention conversation. And  
24 then, at some point, he said -- and I didn't ask for this. He said, I want you to take over  
25 the campaign. I want you to go over there and I want you to take over the campaign.

1 And he gave me the reasons why.

2 And I said, in order for that to work, because they are going to be extraordinarily  
3 resentful, because they don't like me already, and I don't trust them, and I think they gave  
4 up on you 5 weeks ago, you're going to have to call them and tell them that, because if I  
5 go over there, they'll just undercut me. And he agreed to do that.

6 And I put together quickly a team of lawyers, and we went over -- and we went  
7 over to the campaign headquarters and, to the extent that we could, took over. By that,  
8 I mean there was very little that was prepared. It was a shock how little had been done  
9 when I had been told that there were a lot of complaints prepared. And from that point  
10 on, I became his personal attorney handling the election challenges.

11 Q Who was on your team at that point?

12 A You know, it was put out in a press release some days later. So it's hard to  
13 know exactly who joined. Very early on, there was Jenna Ellis, Vicki Toensing, Joseph  
14 DiGenova, and Boris Epshteyn. That was the main team. We were joined by Christina  
15 Bobb about 5, 6 days later, and by -- by Katherine Friess, maybe 3 or 4 days later.

16 So if I look at the list here of the team -- now, it took about -- that was the original  
17 team, meaning in the first 3, 4, 5 days. Within about a week or two, I can give you all  
18 the names if you want them.

19 Q Who else joined the team after that group that you just mentioned, lawyers?  
20 I'm just talking about lawyers for the moment.

21 A Just lawyers, okay. So Toensing, DiGenova, Bob, Friess, Ellis, Epshteyn.  
22 Mr. Costello. Katherine.

23 The Witness. Katherine Friess. Did I mention Katherine? Katherine Friess.

24

BY

25 Q You did.

1           A    And then -- and then, the situation with Sidney Powell is somewhat  
2 confused. She was not a member of the -- of the team that was put out by the White  
3 House as the team representing him. And I can describe what she did.

4           Q    We'll talk about Ms. Powell --

5           A    I can't describe what she said because it's privileged, but I can describe the  
6 somewhat unusual nature of her connection to the team.

7           Q    Now, let me put Ms. Powell to the side. Were there any other attorneys  
8 that were part of your team in -- so the sort of mid -- by mid-November, were there any  
9 other attorneys on the team beside the people you've mentioned?

10          Mr. Costello. Only a lawyer.

11          The Witness. The reason I'm having trouble with it is lawyers did cooperate and  
12 help, some of which I might not even know about, because I was just overseeing it and  
13 there were a dozen, two dozen different things going on or more.

14

BY [REDACTED]

15          Q    Understood.

16          A    No others that -- no others that were significant enough so they would come  
17 to mind right now. And --

18          Q    Okay.

19          A    I would think that's about right. There were lawyers representing other  
20 clients who had mutual interests that we work with on occasion, and then there were a  
21 group of lawyers in the different States that we had retained.

22                But if we're talking about let's say the staff, the Washington staff, that would be  
23 the Washington staff, what I just gave you, supplemented by lawyers in the different  
24 jurisdictions that were handling either litigation or advice about whether litigation should  
25 take place or not, or investigations.



1           Q    And fairly early on, after the election, so say by mid-November, were you  
2   also supervising those lawyers that were local counsel or otherwise handling litigation in  
3   various States?

4           A    Supervising? I would say supervising would be too strong a word. I  
5   was -- depending on the nature of the case and the importance of it and the importance  
6   of the jurisdiction, we had to try to focus on the States that we thought, number one, we  
7   had the best chance in, and number two, would be significant in terms of affecting the  
8   result of the election.

9           So we certainly didn't run down every allegation. If there were lots of allegations  
10   of fraud in New York or in Mississippi, we weren't going to run those down very carefully,  
11   because it's just not going to change the result. But if there are allegations of fraud in a  
12   State like Georgia, which was margin, razor margin, that's one we would try to pay more  
13   attention to, which included me. I would pay more attention to it.

14          Q    I guess supervising may be too broad a term. Were the other -- were the  
15   attorneys who were handling the litigation in other States taking direction from you? I  
16   mean, were you the one who was -- were you in charge of the overall legal operation  
17   once the President asked you to take over?

18          A    It depended on the -- it depended on the State, our confidence in the lawyer  
19   in the State, how far advanced the litigation was. In some cases, there was some  
20   supervision. In other cases, there was very little other than their notifying us about  
21   what they had done.

22          Q    Did you -- I take it that you -- part of your mandate, and I'm not trying to  
23   invade any sort of privilege or get into your work product, but part of your mandate was  
24   to investigate claims of voter fraud or election fraud. Is that fair to say?

25          A    Well, that's -- I mean, I can describe the retention as I was -- I was retained

1 to represent him in the voter fraud litigations and -- and disputes that would take place.  
2 So, of course, that would be yes.

3 Q And you did, in fact, have folks working on your team whose job it was to  
4 investigate allegations of election fraud?

5 A Yes, sir.

6 Q In addition to the lawyers, I know Mr. Kerik has worked with you for many  
7 years. He worked with you on this project. Is that right?

8 A Yes. Mr. Kerik was --

9 Mr. Costello. Investigator.

10 The Witness. -- an investigator. I mean, the lawyers were investigators too,  
11 but, I mean, they also had legal functions. Christianne Allen was an investigator. Eric  
12 Ryan, Maria Ryan. Phil Waldron was very active.

13

BY [REDACTED]

14 Q So would you consider Mr. Waldron a part of your team?

15 A Absolutely, yes.

16 Q How did you get connected with Mr. Waldron?

17 A I don't remember if I was introduced to him by Katherine Friess, Christina  
18 Bobb, or Sidney Powell.

19 Q But it was one of those three?

20 A Yes. Oh, I'm sorry. Yeah, I think it was probably Sidney, but I'm not -- I'm  
21 not 100 percent positive of that. They all knew him and they all were -- had worked  
22 with him before, and he seemed equally comfortable with them. And he and his  
23 organization had already done a good deal of work on this.

24 Also, I -- also -- also, work was done -- should I mention Mark Meadows, I mean,  
25 did -- I wouldn't -- the Chief of Staff of the President you wouldn't say was on your staff,

1 but he contributed investigatory infor -- a considerable amount of investigatory  
2 information. And then lesser but also would be Mike Trimarco and Bob Costello.

3 Q I want to go back to Mr. Waldron. You said that his organization had done  
4 some work in this area. What organization are you talking about?

5 A I don't remember the -- I mean, I remembered the name of it then, but I  
6 don't remember the official name of the organization now.

7 Q Was that with Mr. Ramsland, Russell Ramsland, is that who you're thinking  
8 of?

9 Mr. Costello. No.

10 The Witness. No. I know he was involved and testified, but I didn't -- I  
11 didn't -- I wasn't sure they were in the same organization.

12

BY

13 Q Okay. When -- early on, when you took over or began in the legal effort,  
14 were you also participating in meetings with senior campaign staff, Mr. Stepien and  
15 others?

16 A Rarely. They seemed to avoid me. The first day I got there, it took about  
17 an hour for them to even come out of their rooms.

18 Q And I understand there was some fair bit of conflict or some contentious  
19 meetings with those folks in the early days. Is that fair?

20 A I thought -- I thought, as a 50-year lawyer who has litigated some of the  
21 most complex cases in America, I thought their preparation was close to horrendous.

22 Q And did you have arguments with them about strategy and what the plan of  
23 attack should be to get to the bottom of the election fraud allegations?

24 A That would be -- that would be privileged.

25 Q Did you argue, or make the point in any of these meetings that you believed

1 that the team needed to go to Georgia to get access to voting machines?

2 A That would be privileged.

3 Q Putting up exhibit 8.

4 So, Mr. Giuliani, we're going to put another exhibit up on the screen. You should  
5 see it in a moment. It's an email chain on November 14th. The top email is from Jason  
6 Miller to Bill Stepien and others, not you, by the way. It doesn't -- you're not copied on  
7 that -- on that, the latest in time email. But if we go down a little bit more, we'll see an  
8 email from Alexa Henning to you and Jason Miller, setting up what was referred to as a  
9 surrogate call.

10 Do you remember participating in phone calls in this time period with individuals  
11 who were out speaking on behalf of the campaign?

12 A Yes, I do.

13 Mr. Costello. Could I ask you to scroll that back down so he can read the first  
14 email --

15 [REDACTED] Sure.

16 Mr. Costello. -- and then read this one.

17 [REDACTED] You want to go up, you mean up to the beginning?

18 Mr. Costello. The first one that you showed at the top.

19 [REDACTED] Okay, let's go up to the top.

20 BY [REDACTED]

21 Q So I'll represent to you this is Mr. Miller -- this is Mr. Miller reporting to  
22 others about a call that took place, and it's referring to you, and we're going to talk about  
23 it, but I just wanted to see if you remember such calls taking place?

24 A I mean, I don't recall this.

25 Mr. Costello. Why don't you go to the second one. That would --

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BY [REDACTED]

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Q And I'm not asking yet about the specific call. I'm just wondering whether you recall participating in calls with so-called surrogates in this timeframe to talk about messaging.

A I probably did. I can't recall any specific conversation, but I certainly was asked, would it be okay to say this, would it be okay to say that, probably did a conference call or two. But this doesn't -- this doesn't refresh my recollection. It could have happened, but I don't -- I don't recall this.

Q Okay. In the second paragraph of Mr. Miller's email -- and, again, I know you're not copied on it -- he describes for others, the senior campaign officials, your messaging strategy as "call the Dems crooks and go hard on Dominion/Smartmatic, bringing up Chavez and Maduro and that we have airplane receipts that the company owners flew to Venezuela in 2011, all of this to show how crooked the process was. Additionally, to hit the Dominion CEO is an antifa donor as we continue to look for anomalous results."

Do you recall a conversation involving Mr. Miller and others in which you suggested that that was the proper messaging for the campaign?

1

2 [11:00 a.m.]

3 The Witness. Well, first of all, I'd have to say that that would be privileged, if I  
4 did.

5 Can I ask Bob another question?

6 [REDACTED] Sure.

7 [Discussion off the record.]

8 Mr. Costello. Are we back on?

9 [REDACTED] Yes.

10 Mr. Costello. Are we there? Okay.

11 The Witness. So I think the safest answer to this as far as the privilege is  
12 concerned is that I would say that this entire memo, from my point of view, would be  
13 work product. But just so we don't have any confusion, I don't recall this.

14 [REDACTED] Did you believe in mid-November that there was an argument to be  
15 made that Dominion and Smartmatic were related to Chavez and Maduro? And did you  
16 have airplane receipts that the company owners of Dominion flew to Venezuela in 2011?

17 The Witness. I would have to say that's privileged.

18 [REDACTED] Okay. So if you had evidence in that regard, you're not comfortable  
19 sharing it.

20 Mr. Costello. Right.

21 The Witness. Yes. I believe it's work product, yes. And I would raise a  
22 privilege with that, that my client would have to decide on.

23 [REDACTED] Do you know if you've ever produced documents in any litigation  
24 that reflect airplane trips by Dominion owners to Venezuela?

25 The Witness. Well, since that -- the litigation is not at the discovery stage.

1           Mr. Costello.   It is.

2           The Witness.   It is?

3           Mr. Costello.   Yeah.

4           The Witness.   Oh, okay.   Well, I'm not involved in it.

5           I don't know if that's privileged or not, but I don't recall.

6           ██████████   When you first started working on the campaign and there were  
7           some other sort of holdover folks -- I'll call them holdover folks, people who had been  
8           involved in the campaign before the election that you were interacting with -- were your  
9           visions as to how the investigation or the litigation should proceed different than theirs?

10          The Witness.   That would certainly be privileged.   That would be strategy.

11          Mr. Costello.   Yep.

12          The Witness.   I'd have to raise attorney-client privilege there.   That would be  
13          classic attorney-client privilege.   That would be a discussion of strategy.

14          ██████████   Okay.   Are you able to share whether you did indeed have  
15          discussions or disagreements in terms of strategy?

16          The Witness.   I can tell you we had discussions.   I don't think I can answer  
17          whether we had disagreements.   That would get us into the area of strategy.

18          BY M ██████████

19          Q   Mr. Giuliani, this is ██████████.   Good morning.

20          A   Hi, ██████████

21          Q   Just very briefly on that.   Again, we don't want to weigh in or intrude or any  
22          privileges.   But did you have confidence in Mr. Stepien and his approach to the  
23          post-election -- in the post-election period?

24          A   I must say I generally did not have confidence in Mr. Stepien at all.   He  
25          worked for my campaign, made a serious error.   I thought he made a serious error with

1 Bridgegate. And I could never understand why the President selected him, because I  
2 didn't think he was in that -- he'd never run a Presidential campaign and he seemed to be  
3 way over his head. And when dealing with me, he seemed to be somewhat frightened.

4 Q And what about specifically in the post-election period when you're looking  
5 into these claims, did you have confidence in his approach in looking into issues related to  
6 the 2020 Presidential election?

7 A I had almost no contact with him after that. He avoided me. I had very,  
8 very little contact with him, so I can't tell you.

9 Q What about Justin Clark, did you have confidence in Mr. Clark and his  
10 approach in the post-election period?

11 A I don't if know if I can tell you about the post-election period.

12 Q Because?

13 A Because I think that would be privileged, because it would be based on  
14 things I observed in sharing legal theories, preparation of documents. It would just get  
15 too close.

16 If you don't mind, let's put that aside and let me think about that a little as to  
17 whether I can give you some kind of answer on that. But right now, just to be safe, I  
18 would assert the attorney-client privilege.

19 Q Okay. That's fine. As you think about it, I'd just note that that question  
20 and some of these I'm not looking for the communications or content of communications,  
21 Just your general confidence with the team.

22 A Oh, I know. But so much of the opinion comes out of the communication  
23 that I'm a little worried. Just give me a chance to go over that maybe when we take a  
24 break. Okay?

25 Q Yes. Of course.



1           And just for the record, you said you earlier represented Mr. Trump. Did you  
2 represent him as a candidate for office?

3           A    No. I represented him personally. I was his personal attorney starting in  
4 March, April, May of 2018 for the sole purpose of defending him with regard to the  
5 Mueller investigation and possible impeachment that might come about.

6           That was the original retention. And then it's memorialized in a press release  
7 that probably is about 3 or 4 weeks after we really started. But we didn't want to  
8 announce it until we had our team together.

9           Q    Did you ultimately represent the campaign, so Donald J. Trump for  
10 President, or was it only just the President in his personal capacity?

11          A    Well, you know, it gets a little foggy here, because when he told me to take  
12 over the campaign -- so I would think at that point I was representing the campaign too.

13          But given how fast all this was done, I can't say that was ever clarified the way you  
14 would do if it were a more normal lawsuit and you had a lot of time to figure it out.

15          Q    Okay. Did you ever --

16          A    It's almost a law school question as to whether I actually represented the  
17 campaign.

18          My answer to that would be, I think from the moment he said you're taking over  
19 and go over there and I'll tell them you're in charge, seemed to me in that sense I  
20 represented the campaign as well. But I always considered my principal loyalty to be as  
21 personal counsel to Donald Trump.

22          Q    One follow-up question. Do you recall ever signing any kind of retainer  
23 agreement with the -- where you represent the campaign?

24          A    I do not.

25          Q    I want to go back to one thing that --

1           A    I may have. I mean, when I say I do not, please, this is not meant to be  
2 elusive or -- so many things were happening so quickly, it's possible I did things I don't  
3 remember.

4           Q    Understood.

5           I want to go back to one thing you mentioned. You said that Mr. Meadows, the  
6 White House chief of staff, contributed a considerable amount of investigative  
7 information to you and your team.

8           Can you explain that? What was the nature of the information he was giving?

9           A    Maybe I shouldn't say considerable. That's always a sort of a qualitative  
10 judgment. Maybe significant would be better.

11          Q    Okay.

12          A    He would pick -- I mean, he would pick up -- we had a hotline in order to get  
13 complaints from people. I can tell you that one of the things -- this I don't think would  
14 be privileged at all -- when I came in I asked three people to evaluate that hotline. And  
15 it was in many cases 5 and 6 days old, meaning nobody had responded, which is one of  
16 the things that gave me the conclusion that they had given up several weeks earlier  
17 listening to the polls that were out there.

18          And I know campaigns. I've been through five Presidential campaigns, my own  
19 mayoral campaigns, and I've probably campaigned for a hundred people.

20          I was, again, outraged. And then I had some people that I trusted go through  
21 them. And of course, most of them were just crazy, as they normally are, but you'll  
22 always find a little piece of gold in those if you have the discipline to go through them.  
23 And there were some that were extraordinarily sensitive that should have been followed  
24 up on.

25          Q    What was Mr. Meadows' role in that?

1           A     Well, Mr. Meadows would -- being the chief of staff to the President -- the  
2     complaints wouldn't necessarily come into the campaign.   Not everybody -- lets say,  
3     arguably, someone observed someone being told how to vote, being shown how to vote,  
4     and the campaign official actually checked off the box for him.

5           That complaint could be made to the campaign or somebody could call the chief  
6     of staff's office or a Congressman's office.   So they would come in to us from all those  
7     different places.   And Mr. Meadows got a good deal of those complaints that came to  
8     his office.

9           Q     And would he pass those along then to you and your team?

10          A     He would, yeah.   And if one were very significant, as you might imagine  
11     most of them were not, if one were very significant, he might call me and alert me.

12

BY [REDACTED]

13          Q     Mr. Giuliani, would you say that in the timeframe November to January you  
14     were the President's main legal adviser with respect to the election challenges?

15          A     It was a team effort, but I would say I was in charge of the team.   He  
16     was and I was very close to Jenna Ellis and I considered her a co-counsel, even described  
17     her as that, and relied on her as my number two person when I was doing other things.  
18     So generally, if you got an opinion from Jenna, it would be just like getting an opinion  
19     from me.

20          And then -- yeah, yes, I was the principal one.   But that doesn't mean that he  
21     didn't have substantial contact with Jenna, with Katherine Friess.   I'm talking about my  
22     team now.   And then many times the President would contact local counsel himself and  
23     talk to them.

24          Q     Okay.   What about, outside of the lawyers that you've described either on  
25     your team or the local counsel folks, were there other advisers, people who were advising

1 the President on the post-election challenges?

2 A Of course. I mean, I should have -- the White House Counsel's Office. He  
3 was in constant daily communications with the White House Counsel's Office. And I was  
4 in many telephone and in-person meetings with Pat and with Herschmann.

5 Q Now, were those folks providing advice to the President with respect to his  
6 campaign issues and challenging the election?

7 A I would think not. I mean, I wasn't privy to their private conversations.  
8 But when I was with them, they're very, very good lawyers and very careful, and they  
9 tried very hard to stay within their role of giving him advice about the government  
10 implications of what he could do, what he couldn't do, how far he could go.

11 Q Right. And I'm distinguishing --

12 A I mean, eventually, when you make a judgment, all that comes together in  
13 the President's mind. So I can't tell you at some point they didn't intrude in something I  
14 was saying or I didn't intrude in something they were saying. But that wasn't a big  
15 problem. And if it happened, it happened accidentally.

16 Q Okay. What I'm getting at -- and I think you may have answered it, but I  
17 just want to make sure we're connecting on this -- I'm trying to understand whether there  
18 were other advisers who were significant advisers that were close to the President and  
19 advising him on strategic decisions regarding his election challenges.

20 A You mean politically or legally?

21 Mr. Costello. Nonlawyers, I think he's talking --

22 The Witness. Are you talking about nonlawyers?

23 BY MR. [REDACTED]

24 Q I'm talking about politically.

25 A Oh, okay. Oh, sure. I'm sure, yes.

1           Q   Who were those people? And I'm just -- I'm not talking -- everyone's got an  
2   opinion, I'm sure, and he was hearing from a lot of different people. But who were the  
3   folks that he was --

4           A   And I think it's well known that the President asked for opinions from many,  
5   many people.

6           Q   Yes.

7           A   I mean, that's part of his decision-making process.

8           Q   Was there anyone at your stature, someone who was a close, trusted  
9   strategic adviser on these issues related to the campaign, to the election challenges, after  
10  the 2020 election?

11          A   I would say Mark Meadows for sure. They were close but this brought  
12  them even closer. Jared Kushner. Steve Bannon.

13          Q   Would you say Sean Hannity?

14          A   I've read things about that, but I don't -- I would not have put Sean Hannity  
15  in that category. Yes, they did talk, but not as frequently as the ones that I'm describing.

16               And there's somebody else that's escaping me right now that talked to him quite a  
17  bit. It's hard because he talked to a lot of people.

18          Q   How about Michael Flynn?

19          A   No, and only because of the fact of the litigation there.

20               We had set up, myself and Jay, when we first came in, and I'm not sure this was  
21  set up before, that the various subjects of the investigation, if you want to call them  
22  that -- although I don't remember. I know Mueller never described the President as a  
23  target of the investigation. I think at one point he may have described him as a subject,  
24  I'm not sure, which of course has a legal significance to prosecutors.

25               But when separate allegations were made, we tried to make the communications

1 with possible other -- would you call them defendants? I don't know in an  
2 impeachment. Or they would have been trials.

3 We tried to keep the communication between the lawyers and we had joint  
4 defense agreements with them. But we tried to have them not speak as much as  
5 possible.

6 And I don't recall him having a conversation with General Flynn for a very long  
7 period of time. I'm not sure if he did at all during that investigatory period.

8 Q Well, we're going to talk about there was a meeting at the White House on  
9 December 18th, that I know you'll remember, where General Flynn was there along with  
10 Ms. Powell and others, so we'll talk about that one. But I just wanted to get a sense of  
11 whether he was someone who was sort of -- you would consider an adviser to the  
12 President, and I take it the answer is no.

13 A I would not, not certainly before the election, not even after --

14 Q In the post-election timeframe I'm asking.

15 A Not even after the election, as far as I know, except for that one situation  
16 that you're talking about.

17 Q Okay. How about Members of Congress? Were there any Members of  
18 Congress that you're aware of that were close and giving advice to the President in sort of  
19 a -- in a sustained way? Again, not just one off or random solicitations of advice.

20 A Sure. A lot of that was handled through Mark, because Mark had been in  
21 Congress, very well-respected Member of Congress. And he would funnel a lot of the  
22 advice and opinions, particularly from the House Members, to the President.

23 But some of them, and I can't remember all of them, had very close personal  
24 relationships with him, like the obvious ones, like Jim Jordan. There may be four or five  
25 that would call him and either give him information or advice.

1           Q    Were you ever involved in discussions or meetings with Members of  
2 Congress in which there was advice given about developing or implementing these  
3 post-election challenge efforts?

4           A    Very rarely. I honestly don't remember a -- oh, yes, I do. There may have  
5 been one or two in-person meetings where briefings were done, but there  
6 was very -- there were no -- very few personal meetings. There were some telephone  
7 conversations. And then there were one or two virtual meetings set up by Mark  
8 Meadows that I -- one I didn't participate in and one I participated in, but not the entire  
9 meeting.

10          Q    Do you remember a meeting, the date was December 21st, in the White  
11 House with a bunch of Members of Congress, and the Vice President was also present?  
12 And I'll give you a little more context if it's helpful.

13          A    Yeah, it will be helpful, because I think if you tell me a little more I can  
14 remember it.

15          Q    Yeah. Before that meeting you had a -- there was a short meeting in  
16 Mr. Meadows' office with Sidney Powell and Phil Waldron. I believe Sidney Powell was  
17 there for the larger meeting and was taken to Mr. Meadows' office for -- sort of pulled off  
18 to the side. And then you have a short and contentious meeting with her in Mr.  
19 Meadows' office. And then, after that, there was a larger meeting with some Members  
20 of Congress and the Vice President.

21               Does that help give you some context?

22          Mr. Costello. Go off the record and consult with me.

23          The Witness. May I consult Bob?

24          [REDACTED] Yes.

25          Mr. Costello. Hold on a second.

1 [Discussion off the record.]

2 Mr. Costello. Are we on?

3 [REDACTED] Yes.

4 Mr. Costello. Okay. Sorry. Where were you in the questions?

5 BY [REDACTED]

6 Q On that meeting.

7 A Well, first of all, if there was such a meeting, I would assert attorney-client  
8 privilege. But just to help you on it, I don't have a present recollection of a meeting like  
9 the one you describe on that date.

10 So even if we got beyond it, my first answer would have to be I have no  
11 recollection of it. I'm going to have to go check records, look at things.

12 Q Well, let me address the attorney-client issue piece. The meeting that I'm  
13 thinking of included members of the House Freedom Caucus. They're not clients, there  
14 are no common interest issues that I'm aware of. So I'm not sure, if we could jog your  
15 memory on that, I'd want to understand how that meeting could possibly be privileged.

16 A Sure. Well, first of all, you said there was an original meeting beforehand  
17 with Sidney Powell, a group of others, that was contentious. That would surely be an  
18 attorney-client privilege meeting, if I was discussing legal issues. And, well, you'd have  
19 to tell me who was involved in that meeting.

20 The second one is discussing legal strategy, so I'd have to really be careful that  
21 that wasn't privileged.

22 But, I mean, I'm happy to try to refresh my recollection on the meeting. But right  
23 now, as you say that to me, I don't recall that meeting, and there's something about it  
24 that's unusual that makes it hard for me to believe that we had such a meeting.

25 Q Yeah. It was an unusual meeting for sure. There were third parties,



1 nonlawyers, nonclients present, which is why it seemed that would be a meeting that  
2 you'd be able to talk about. So --

3 Mr. Costello. [REDACTED], one second. I think what you're assuming is that he was  
4 there for that meeting. And I think his answer is he doesn't recall such a meeting, he  
5 doesn't think he was there, but where he's not clear about that.

6 The Witness. If you could give me a break. You know the documents you sent  
7 to me?

8 [REDACTED] Yeah. I don't think you'll see anything in there relating to that.

9 The Witness. Well, you know, don't be so sure.

10 N [REDACTED] Okay. Well, let me, before we take a break, we've got some of the  
11 members --

12 The Witness. I can go back to that later and you can ask that question again,  
13 okay?

14 [REDACTED] Okay, will do.

15 Do any members on the line have any questions at this point?

16 Ms. Lofgren. Not at this point.

17 [REDACTED] Thank you, Ms. Lofgren.

18 Mr. Raskin. No questions.

19 [REDACTED] Okay. So let's -- we'll come back to that December 21st meeting.  
20 But I think [REDACTED] is going to ask you some questions about other sort of strategic  
21 issues or how things moved forward in that November timeframe.

22 BY [REDACTED]

23 Q Before we get to that, very quickly, you mentioned a number of investigators  
24 on your team, Mr. Giuliani. Was there any kind of structure? Was there a chief  
25 investigator, for example, that you relied on?

1           A     Informally Bernie Kerik was the chief investigator, largely because he was the  
2     most energetic person closest to me, person closest to all the people on the team.   And  
3     he had been involved in the investigation of the hard drive from the very beginning.   So  
4     he just moved over from that to investigating this.   He was a -- he's a major investigator  
5     with regard to the Hunter Biden hard drive and all of the issues with the censorship of it.

6           Q     Okay.   And we're not necessarily getting into that.   But specifically for that  
7     post-election period when you're looking into issues related to the election, Bernie Kerik  
8     took on kind of a chief investigator role.   Is that right?

9           A     It was never written down anywhere, never.   But, I mean, for example,  
10    most of these investigators would never go to a meeting at the White House except  
11    Bernie.   And if I was going to take an investigator, I would take Bernie.   Bernie knew  
12    the President.   The President trusted him, everybody else trusted him.   And he had had  
13    this experience already with the campaign doing an investigation of the Hunter Biden  
14    laptop.

15          Q     So we've been talking a little bit about courts, but I understand that there's  
16    also another track of challenging the election related to State legislatures.   Is that right?

17          A     That's correct.

18          Q     Okay.   Tell me what you understood about that just generally.   Why the  
19    State legislature track?

20          A     I'm going to try to describe this without getting into legal strategy.

21               Well, the first instinct for any lawyer is to go to court.   And at some point when  
22    we couldn't get -- I mean, I only argued one case, and that was the case in Pennsylvania.  
23    And I was surprised that the judge didn't allow us to call at least a few witnesses, because  
24    on a motion for a preliminary injunction the judge almost always allows you to call  
25    witnesses.

1           And I thought the witnesses would be significant because they would convert this  
2           from Giuliani, Trump, Ellis asserting this to 15 or 20 citizens of Pennsylvania, and  
3           Philadelphia in particular, explaining the fraud, which was substantial, how 600,000  
4           ballots were counted and they were put behind guardrails and never allowed to see a  
5           single ballot to assure themselves that it wasn't fraudulent, which is commonly done in  
6           counting absentee ballots; or the witnesses who got a court order to allow them to see  
7           the ballots and the sheriff held them up for 2 hours until it was reversed by a 5-2 vote of  
8           the supreme court of Pennsylvania, which was a partisan vote; or the people who were  
9           pushed around and pushed out; people who were trained to cheat by party officials.

10           We had witnesses like that lined up. And usually you get an opportunity to  
11           present your witnesses and the judge says, no, they're all lying or they're telling the truth  
12           or I can't tell.

13           And then when that happened to another one of our lawyers -- I can't remember  
14           if it was the case in Michigan or the one in Arizona -- we just got a bad feeling that these  
15           judges didn't -- they didn't want to hear witnesses, citizens, American citizens, and that if  
16           American citizens could get up and testify, there were so many of them that it would  
17           make a very big difference.

18           All of a sudden, somewhere along the way, maybe 4 days -- even before that  
19           thought occurred, we took a good look at the Constitution of the United States, and  
20           Article II of the Constitution gives the power over electors solely to the House of  
21           Representatives.

22           With regard to congressional elections, State and Senate in Article I, that power is  
23           shared with the Congress. But when you look at Article II, the Congress is completely  
24           excluded from the power to determine the electors.

25           Mr. Costello. Did you mean to say House of Representatives before or State

1 electors?

2 The Witness. State electors.

3 Mr. Costello. Yeah, I think you misspoke.

4 The Witness. Did I say House of Representatives? If I did, the Constitution  
5 gives exclusive power to determine the electors to the legislatures of the various States.  
6 And because it excludes the Congress as in any way interfering in it, whereas it includes  
7 the Congress in the congressional elections, the interpretation from the earliest days has  
8 been that this is a plenary power. That was ratified in the 1890s in a Supreme Court  
9 decision in which they describe that power.

10 And this surprised me, even though I argued in the Supreme Court -- I consider  
11 myself sort of a constitutional expert -- it surprised me how much exclusive power they  
12 had. In that opinion the Supreme Court said their power is plenary, it can be delegated,  
13 but they can at any time revoke that delegation.

14 And then that was reiterated in Bush v. Gore and argued in a law review  
15 article and basically supported by many law review articles at the time.

16 So a combination of Jenna and I did this research. And we said maybe we should  
17 be presenting our witnesses to the State legislatures and maybe the courts are doing sort  
18 of a political question thing. A very, very ancient doctrine to protect courts from getting  
19 involved in politics is dismissing cases as political questions.

20 Q So you said quite a bit there. I just want to unpack a little bit of it.

21 The case you mentioned in Pennsylvania, was that Trump v. Boockvar that  
22 ultimately you joined and argued in the Middle District of Pennsylvania?

23 A Yes, sir.

24 Q Okay. And then that ultimately was upheld on appeal in the Third Circuit  
25 by Judge Bibas, correct?

1           A    That is correct.

2           Q    So the losses in the courts, I don't want to put words in your mouth, but is it  
3 fair to say that the losses in the courts contributed to this idea of taking the case directly  
4 to the State legislatures?

5           A    It wasn't so much the losses in the courts. It was the failure of any court to  
6 allow us to present a few witnesses that would substantiate the allegations that  
7 people -- that would substantiate the allegations, and that these allegations were not  
8 coming from us, but they were coming from numerous, hundreds, maybe over a  
9 thousand American citizens.

10           And shortly -- it really wasn't after a lot of cases, because the only one we directly  
11 handled was that one, and it was maybe even before the result in the case. But Jenna  
12 and I started looking at the role of the State legislature and realized they had the primary  
13 role under our constitutional form of government, not the courts.

14           And so we thought the place to go -- I mean, the Constitution says they have  
15 plenary power -- I mean, the court opinions say they have plenary power. Even if  
16 they've delegated it to the governor or the secretary of state or someone, they can take it  
17 back at any time they want. It was all in the court's opinion.

18           So we said the best people to go to to show them that there had been, let's at this  
19 point say, serious irregularities in the election they have ultimate supervision for were the  
20 State legislatures.

21           Q    Okay.

22           A    Maybe they're the ones that should hold the hearing and find out that  
23 there's a basis for them to exercise that plenary power.

24           Q    And just to clarify one of the things you said, are you aware that there were  
25 courts that did look at merits of claims, including courts in Michigan and Georgia, before

1 reaching decisions on things like injunctions?

2 A By the time I reached the decision to go to the State legislature, it was  
3 before that.

4 Q So there's a case -- I'm just looking at November 13th where Judge Kenny in  
5 Michigan considered evidence including affidavits to a number of -- to address a number  
6 of claims raised with the election in Michigan.

7 Were you aware of that, that decision of Judge Kenny where you he looked at the  
8 merits of claims?

9 A Not before we decided -- was I aware of it? I wasn't aware that he held a  
10 hearing. I thought he decided it on affidavits.

11 But in any event, would have been after we pretty much decided that we should  
12 really go to the State legislatures because we would get -- we would have a much better  
13 chance of getting a hearing there.

14 Q Okay. And I won't go through all the litigation here.

15 But when do you remember this idea first coming up about the State legislatures  
16 exercising the plenary authority related to the 2020 Presidential election?

17 A First week.

18 Q Do you remember ever hearing that it was contemplated as a plan even  
19 before the election occurred? Meaning it's something that the campaign could go to if  
20 they needed to after election day.

21 A I'm not aware of that. I had never heard about the provision. But I must  
22 tell you, quite honestly, when I read the text of the Constitution I was shocked that it was  
23 so strong and excluded anyone else but the legislatures. I had remembered it  
24 differently.

25 I'll tell you an interesting experience. When I would go to the State legislatures

1 and brief them, most of them didn't believe they had the power. I would have to show  
2 them a copy of the Constitution and a copy -- I'm sorry, I forget the 1893 decision.

3 Mr. Costello. 1870.

4 The Witness. No.

5 Mr. Costello. 1870 act.

6 The Witness. You're talking about the electoral -- you're talking about something  
7 else.

8 [REDACTED] Are you talking about the decision, I think it's called Blacker v.  
9 McPherson, is that the one you're referring to?

10 The Witness. The McPherson case.

11 Mr. Raskin. McPherson.

12 The Witness. 1895, 1893, something like that, right?

13 [REDACTED] Mr. Raskin.

14 [REDACTED] I see, Mr. Raskin, you turned on your camera.

15 Mr. Raskin. I think the mayor was thinking about McPherson v. Blacker in 1892.

16 The Witness. That's it. Thank you, sir, for the help. And that's in the 1890s,  
17 correct?

18 Mr. Raskin. Yeah. 1892.

19 The Witness. That's it. I thought so. Okay.

20 So I would have to show the State legislators the Constitution, the language of it,  
21 compare it to the language of Article I, because it's a very, very common method of  
22 constitutional or statutory interpretation to say if they included a body in one provision  
23 but excluded it from another there must be a good reason for that.

24 But beyond that, the court explicated that by saying that it's a plenary power,  
25 belongs just to the State legislatures, and they can take the power back at any time. It

1 was basically reiterated in Bush v. Gore in one of the dissenting, concurring, or one of the  
2 opinions.

3 When I would show that to the State legislators it would overcome their complete  
4 shock that they had such power. I would get responses like, "We can't have that  
5 power." I don't think they think of themselves at that level.

6 So it took a little education. And they consulted their own attorneys before they  
7 decided to hold hearings.

8

BY

9 Q I understand that Cleta Mitchell actually reached out to John Eastman,  
10 Professor John Eastman, for a memo on this exact topic around November the 5th.  
11 Does that sound correct to you, if you recall?

12 A No, I don't. I mean, I remember Professor Eastman very, very well. I had  
13 always thought that Jenna Ellis was the one who reached out to him. I didn't know it  
14 was Cleta.

15 Q Okay. But do you remember it being about the week after the election?

16 A I remembered it later.

17 Q Okay. You said -- I think you said earlier, though, you thought it came up as  
18 early as about the week after the election.

19 A Oh, yeah, it came up between Jenna and me.

20 Q I see.

21 A We talked about it and we started looking at it ourselves. And maybe that  
22 inspired people to say, let's go get some real experts on this.

23 Q Do you recall participating in a meeting on November 11th, which is after  
24 the election was called, it was in the White House, with the President, the Vice President,  
25 Bill Stepien, Jason Miller, Justin Clark, Eric Herschmann, to discuss outreach to State



1 legislatures?

2 A Well, that I would have to assert the attorney-client privilege.

3 Q You met -- oh, go ahead.

4 Mr. [REDACTED] Mr. Giuliani, did this idea about State legislatures in your  
5 recollection originate in your discussions with you and Ms. Ellis or did someone sort of  
6 bring this idea to you at some point?

7 The Witness. Either Jenna did or I did from our feeling that we weren't going to  
8 get too far with the courts because it seemed to me the courts didn't want to be involved  
9 in a political question like this. And there was a kind of a discomfort too. Somehow  
10 we were trying to think, well, who would resolve something like this?

11 And we started reading the Constitution, and either she or I noted the fact that  
12 there was this difference between the supervision of the congressional elections and the  
13 supervision of the Presidential elections where the Congress was excluded completely  
14 from the House of Representatives -- from the -- I'm sorry, I keep saying -- from the State  
15 legislatures.

16

BY [REDACTED]

17 Q You mentioned political question a few times. Are you --

18 A And one other thing. That also might have come about from the cases that  
19 have been brought earlier challenging the unconstitutional laws that have  
20 been -- regulations that have been put into effect, particularly in Pennsylvania and  
21 Michigan by the governors and the secretaries of state that should have been done legally  
22 by the State legislature.

23 Q You mentioned the political question doctrine a few times. Are you aware  
24 of any of the post-election cases where the political question doctrine was used to  
25 dismiss the case?

1           A    No, but that idea came about to me before I looked at any of the cases,  
2   because early in my career I was involved in a very, very big political question case.

3           Q    But not after the election, correct?

4           A    No.   It was just a thought that this could be troubling the judges.   Not  
5   political question as technically defined, but political question in a more general sense.  
6   Why get involved in this dirty fight when really there are other places this should get  
7   resolved and we don't really have the resources to resolve something like this?

8           Q    And I'm not necessarily here to argue with you, but on the case that you  
9   were involved in, in Trump v. Boockvar, the judge said at the district court level that the  
10   court has been presented with strained legal arguments without merit and speculative  
11   accusations unpled in the operative complaint and unsupported by the evidence, which  
12   ultimately Judge Bibas in the Third Circuit agreed with.

13           So that wasn't a political question decision, correct?

14           A    No, but that was an incorrect decision.

15           Q    I understand you disagree with it.

16           A    He was presented with substantial numbers of affidavits, which he never  
17   evaluated.   I don't know how he could have come to that conclusion.

18           He had a -- he had one affidavit from a gentleman who was a senior partner at a  
19   law firm who observed 600,000 ballots counted without a single Republican -- he had  
20   help doing that -- being allowed to look at the ballots even though, under his many years  
21   of experience, under Pennsylvania law they were always examined by Republicans and  
22   Democrats so you'd both get a chance to decide it.

23           And then we were presented with this what seemed to me illogical decision from  
24   the supreme court of Pennsylvania that the provision in Pennsylvania law that says that  
25   you can be present, that each candidate can have someone present at the counting of an

1 absentee or mail-in ballot, it's perfectly okay if they don't see anything. They can be  
2 present like a, what's that famous expression, a potted plant.

3 Now, that was a sort of a split decision when the Republicans were excluded, to  
4 their surprise, from looking at any of the paper in Pennsylvania. And I'm talking about  
5 600,000, 700,000 ballots. And they were put behind fences. Usually fences are used  
6 for cows. And not one of them was allowed to look at a ballot.

7 They went to court, Corey Lewandowski and Pam Bondi went to court, and they  
8 were denied an order from the lower court, even though the argument that present  
9 means you just have to be in the room. A football field away is absurd, just logically  
10 absurd.

11 They went up to the intermediate court and they got a decision in their favor and  
12 an order to allow them to see the ballots. They returned and the sheriff for 2 hours  
13 refused to let them do that. That's when they called me and I went there.

14 And then it was very quickly reversed on a party line vote, 5-2, and then  
15 eventually a full decision by the supreme court of Pennsylvania, which I consider one of  
16 the most inane decisions ever rendered by judges, that present to represent your  
17 candidate at a vote counting means that nobody has to show you a vote, you can just sit  
18 there and look at the wallpaper.

19 That decision to me seemed to be, in the minds of any person with common  
20 sense, to be completely illogical, completely partisan, and gave us the feeling, rightly or  
21 wrongly, that we weren't exactly in a fair environment.

22 And that is what really triggered me to look more carefully into the legislatures,  
23 not necessarily what the judge decided in that case, that I don't know how the heck he  
24 could have decided that, without listening to a witness or two, to decide that these were  
25 just frivolous arguments.

1           Maybe he should have listened to the 25 or 30 witnesses, even 5 of them, just to  
2   get a flavor of: Are these guys making it up or did a guy actually get pushed around and  
3   thrown out? Do they get to see a single piece of paper? Was the same thing going on  
4   in Pittsburgh as in Philadelphia, which would indicate that there was a nexus between the  
5   two, that the same thing was going on in Detroit as was going on in Milwaukee,  
6   Republicans put behind barriers, not allowed to see ballots? Did that indicate there was  
7   a connection between those? He avoided all of that.

8           [REDACTED] Understood.

9           And I see, Mr. Raskin, you have your hand up. Please.

10          Mr. Raskin. Thank you.

11          Mr. Mayor, I just have a few questions for you.

12          One is that none of the 60 cases that I'm aware of resulted in a legal victory on the  
13   question of whether there was electoral fraud or corruption.

14          Did you have any legal victories that I'm not aware of?

15          The Witness. Well, first of all, most of those cases, they're not my cases. Most  
16   of those cases were privately brought, brought by others. I may have been aware of six  
17   or seven of them.

18          Mr. Raskin. Got you. Did you have any legal victories in the cases you brought?

19          The Witness. I only brought one case, and that was the case in Pennsylvania,  
20   and obviously we lost it.

21          Mr. Raskin. Yeah. Okay. But I'm interested in your reflections that you've  
22   offered about the electoral college, because obviously our committee is not a criminal  
23   investigatory committee, and one of things we do have to do is make recommendations  
24   to the country.

25          You described yourself repeatedly as being shocked about the power that

1 the -- the plenary power that the legislatures have over the award of electors. And you  
2 said that the legislators themselves you spoke to were shocked when you pointed out to  
3 them the legal authority of *McPherson v. Blacker* and what it says in Article II about the  
4 power of the legislatures.

5 Do you believe that the electoral college has outlived its usefulness? Do you  
6 think it would be cleaner and simpler to move to a national popular vote for President?  
7 Or do you think at the very least the State electors should be bound to follow the popular  
8 vote within each of the States?

9 The Witness. You want my --

10 Mr. Costello. Opinion.

11 The Witness. -- my opinion, like a law review article?

12 Mr. Raskin. Yeah.

13 The Witness. I can see merit -- I mean, so I'll be a typical lawyer -- I can see merit  
14 to both.

15 Mr. Raskin. Yeah.

16 The Witness. But I would, given the fact that I have great respect for the  
17 Framers of the Constitution -- and I think, in some ways, given the way our country is  
18 operating right now, they had a great deal more wisdom than we did -- that the electoral  
19 college has great advantages in making sure that people who can be disregarded aren't.

20 It's been the method we have used for a long, long time. It has by and large  
21 served us very, very well. We have elected some of the greatest men in history as  
22 President of the United States.

23 Does it make mistakes? Of course. But popular vote would too.

24 Does it make our Federal form of government more vital because the smaller  
25 States have power and we are, after all, a Federal form of government?

1           So I would say I'd come down on the fact that hundreds of years of practice, being  
2           by far the greatest country on Earth, whatever the criticisms, the mere fact that  
3           everybody wants to come here and no place else sort of makes it that way. And  
4           generally they, meaning the Framers, are wiser than we are.

5           Mr. Raskin. Got you.

6           The Witness. I would stay with the electoral college.

7           I'll make a -- just want to make a political point, though. If you changed it, it  
8           doesn't mean you changed the result of the election.

9           So if I were running -- oh, let's pick. Let's say somebody else runs for President, a  
10          Republican runs for President other than Trump, and we go to electoral votes out,  
11          popular vote in. Then I have him campaign in upstate New York and take the vote in  
12          New York down from 20 to 10, and I have him campaign in the Central Valley of  
13          California.

14          So what a smart Republican does is you don't go there at all and you don't mind if  
15          you lose by 30 percent. If you had lost that by 15 percent and you lost the other one by  
16          10 or 5, you would have a different electoral strategy.

17          So I think that the popular wisdom, if either side thinks they get an advantage, the  
18          advantage will go to who has the better strategy in figuring out how to focus on the  
19          popular vote. But if popular vote were the vote, Biden might have still won it, but he  
20          wouldn't have won it by the same margin if we had conducted a different kind of  
21          campaign.

22          Mr. Raskin. All right. Concede of course there that Biden won the election --

23          The Witness. Oh, I didn't concede that he won it. I conceded that the last  
24          numbers that were put in were in favor of him.

25          You want my belief? I do not believe he won the election.

1           Mr. Raskin. Well, okay, let me ask you this, because the country is stuck over the  
2           problem that for the first time in our history we have a former President who is claiming  
3           that he won the election when he lost it by more than 7 million votes in the popular  
4           vote --

5           The Witness. Didn't Hillary Clinton claim that?

6           Mr. Raskin. Okay. Well, but before we talk about --

7           Mr. Costello. We can't hear you.

8           [REDACTED] Mr. Raskin, we lost your audio there.

9           Mr. Costello. We didn't hear you.

10          [REDACTED] Mr. Raskin, we lost your audio.

11          Mr. Costello. I think he can't hear you either, [REDACTED]

12          [REDACTED] Let's go off the record.

13          The Witness. Sure.

14          [REDACTED] Do you want to take a short, maybe a 5-minute break?

15          Mr. Costello. Sure.

16          [REDACTED] And we'll come back at noon.

17          The Witness. Is that where we are? Oh, yeah. Good. Sure.

18          [Recess.]

1

2 [12:03 p.m.]

3 [REDACTED] Okay. We're back on the record.

4

BY [REDACTED]

5 Q We talked about -- or we left off talking a little bit about the State  
6 legislatures and the role that many believed they could play in the 2020 election.  
7 Whose job on your team was it to work the legislatures effort?

8 A Well, there were different parts of it. Trying to get the hearings and setting  
9 up the hearings was probably Jenna and me. Got a lot of help from Boris in  
10 Philadelphia, Pennsylvania. Got a lot of help in Michigan.

11 Q From whom?

12 A I think in Michigan it was Christina Bobb. Basically, it was -- it was my -- it  
13 was Jenna and I were who were going to do the hearing, so we -- we would take the  
14 responsibility for setting them up.

15 Q Even before the hearings, which we'll get to, but even before they started,  
16 there was -- I understand there was outreach to various State and local officials in the  
17 States in an effort to have them not certify or delay certification of the votes in their  
18 States. I'll mention to you that in Michigan, for example, we understand there's  
19 outreach in -- to Wayne County officials, William Hartman and Monica Palmer. Do you  
20 know about the outreach to Mr. Hartman and Ms. Palmer before the certification of the  
21 Wayne County vote?

22 A I take the attorney-client privilege on that.

23 Q The fact of the communications to Mr. Hartman and Mr.  
24 Palmer -- Ms. Palmer, excuse me?

25 Mr. Costello. That's different than the previous question. The previous



1 question was, Do you know?

2

BY [REDACTED]

3 Q Correct. Are you aware of outreach to State and local officials, including  
4 Mr. Hartman and Ms. Palmer, before the Wayne County certification?

5 A I would take the attorney-client privilege, because it seems to me it would  
6 indicate strategy, but --

7 Q Did -- let me ask it this way: Did you reach out to either Mr. Hartman or  
8 Ms. Palmer?

9 A That'd be the same thing.

10 Q Your communications -- did you represent either Mr. Hartman or  
11 Ms. Palmer?

12 A Did I represent them --

13 Q Correct.

14 A -- as a lawyer? No.

15 Q So in what way would your communications with them be privileged?

16 A I was doing it on behalf of my client, the President of the United States. It  
17 would be work product, if I did it.

18 Q Were Mr. Hartman or Ms. Palmer part of the team in anticipation of any kind  
19 of litigation?

20 A Conceivably.

21 Q All right. Well, we'll note the objection for the record. What about  
22 Governor Ducey in Arizona, did you reach out to Governor Ducey before certification in  
23 Arizona?

24 Mr. Costello. You mean personally, right?

25

BY [REDACTED]

1 Q Correct.

2 A Hold on a second.

3 Q Sure.

4 [Discussion off the record.]

5 Mr. [REDACTED] Okay. We're back.

6 Mr. Costello. Yep.

7 The Witness. I'm a little uncomfortable with this because it sounds like it might  
8 betray strategy, but I -- I do not recall meeting with Governor Ducey after the election. I  
9 know Governor Ducey, but I don't recall meeting with him or talking to him after the  
10 election.

11 BY MR. [REDACTED]

12 Q Do you remember trying to reach him?

13 A I don't know -- people did try to reach him on my behalf. I don't recall if I  
14 asked him to do that or they just did it because they thought it would be a good idea  
15 when I was in Arizona to talk to him.

16 Q Why did you want to talk to Governor Ducey?

17 A Well, on behalf of my client.

18 Q Related to the election, the presidential election?

19 A Sure, to persuade him -- I'll tell you, to persuade -- well, this would get into  
20 strategy. I'm sorry. I mean, it's obvious what I would want to talk to him about was  
21 the many concerns that we had about the vote in Maricopa County and the fact that they  
22 would not allow any examination of the machines or the paper ballots. And it seemed  
23 to me that if the election were straight, they would have no problem with just opening up  
24 the books and letting us look, and they fought us tooth and nail not to look at a single  
25 thing.

1 Q What about Rusty Bowers, did you ever try to reach out to him?

2 A I would say that is privileged.

3 Q Again, the fact of your communication to Rusty Bowers, who I don't believe  
4 is a client or ever part of your legal team, you're claiming privilege on?

5 A Work product.

6 Q What about Senator Mike Shirkey and House Leader Lee Chatfield in  
7 Michigan, did you ever try to reach out to them?

8 A Same privilege.

9 Q What about Speaker of the House Bryan Cutler in Pennsylvania, did you ever  
10 try to reach out to him?

11 A Same privilege.

12

B [REDACTED]

13 Q Mr. Giuliani, are you going to assert privilege -- attorney-client privilege or  
14 work product privilege on any communications that you had in the course of your  
15 post-election efforts on behalf of President Trump?

16 A It depends on --

17 Mr. Costello. The question.

18 The Witness. -- the question. I mean, the attorney-client privilege is pretty  
19 strict, and it's pretty obvious. If I'm reaching out to someone on behalf of, let's use a  
20 hypothetical, on behalf of seeing if they can be a witness or they can facilitate a hearing  
21 that would be helpful to my client, that would be work product.

22 And I don't have -- I don't have -- I mean -- I mean, I feel a little -- being treated a  
23 little -- not by you. I think you've been very, very civil and very professional, but I do feel  
24 somewhat put in a very impossible position. I was the lawyer to the President.  
25 Attorney-client privilege is an extraordinarily important privilege in our democracy.

1           If people can't talk to their lawyers and know with great confidence it's not going  
2           to be repeated, they're not going to tell the truth to their lawyers. And the damage that  
3           has been done over the last several years by the people who are in hysterical pursuit of  
4           the President to the attorney-client privilege has been the most damage ever done to it in  
5           our history.

6           [REDACTED] And Mr. Giuliani --

7

BY [REDACTED]

8           Q     Mr. Giuliani, just so we're clear, we're not asking you -- these are not  
9           communications that we're talking about with the President or with your clients.

10          A     But it goes beyond that. Attorney-client privilege goes beyond that. In  
11          fact, your conversations with your client can be the least important sometimes. It's can  
12          you get corroboration for what your client is saying, can you get a fair hearing for your  
13          client, can you get a person who has knowledge that can support what your client is  
14          saying, the investigation that's done for your client.

15          If that's not privileged, a lot of people aren't going to talk to you and  
16          it -- recognized as the work product privilege. And that's a couple hundred -- oh, my  
17          gosh, more than a couple hundred-year-old privilege of the law, and I'm asserting it  
18          because I'm a lawyer. There are times you're asking me questions I would like to give  
19          you the answer. You may not believe this, but there isn't a single thing I would say to  
20          you that isn't exculpatory.

21

BY [REDACTED]

22          Q     That's fine. And we're not going a criminal investigation, of course.

23          A     And I wish --

24          Q     Exculpatory.

25          A     I have a law license that has been extremely unfairly and unconstitutionally

1 put in jeopardy based on --

2 Q There is helpful -- and this is helpful understanding the contours of your  
3 objection, and this is something that we'd be happy to talk to Mr. Costello about after,  
4 but I --

5 A I wish -- I wish you would take it seriously. This is not -- I assure you are,  
6 but this is not being done to obstruct you. It's being done because I have no other  
7 choice as a lawyer but to do it, and I do believe strongly in the attorney-client privilege as  
8 part of the Sixth Amendment. I don't think --

9 Q I want to get back --

10 A I don't think we can have a system of justice without it.

11 Q I want to get back to the hotel hearings that you mentioned, or the hearings  
12 that you had with the State legislatures. I believe they -- I'll just list a few and tell me if  
13 I'm incorrect, but you had one on November 25th in Pennsylvania. Is that correct?

14 A I believe -- that was the first.

15 Q And then November 30th in Arizona?

16 A November 25th, I guess. It seemed like it was a little faster than that, but  
17 go ahead.

18 Q Okay. And then you had one in Arizona on or about November 30th.  
19 Does that sound right to you?

20 A Yeah, that does.

21 Q And then you had one in Michigan on or about December 2nd?

22 A I know I had all those. The dates seem a little strange to me, but go ahead.

23 Q Okay. And then you also had one in Georgia, correct?

24 A And when was that? I had two in Georgia actually.

25 Q At least one of them was on December the 3rd. Does that sound right?

1           A    Yeah. And then there was one a few weeks later.

2           Q    Okay. And were any of those hearings that I just mentioned official  
3 sessions of the legislatures, to the best of your knowledge?

4           A    Some I know, and some I don't know. I know that Pennsylvania and  
5 Arizona were not. I'm -- I am not sure about Michigan and Georgia. They seem to me  
6 like they were. They look like very official hearings.

7           Q    I don't believe you were placed under oath in Michigan, at least in Michigan.  
8 Is that right?

9           A    Yes. I was treated as an advocate rather than as a witness.

10          Q    Although you were presenting evidence, at least you said you were  
11 presenting evidence though, correct?

12          A    I was presenting evidence in the same way you are. I was asking questions  
13 and making arguments, but I wasn't presenting evidence in the sense of things of my own  
14 knowledge.

15          Q    And I believe you said this earlier, but you mentioned that having these  
16 hearings were kind of a step in the process of having the legislatures assume what you  
17 believed to be their plenary power to choose their own electors in the presidential  
18 election, correct?

19          A    Well, if they analyze the vote and came to that conclusion, sure. I mean, I  
20 didn't assume they were just going to -- I didn't assume the Pennsylvania legislature was  
21 going to change the result. I thought they would go take a look at and talk to the people  
22 who could explain to them what happened.

23                Or I thought in Michigan, they might talk to the woman who said she was taught  
24 by the Democratic Party there how to cheat, how to put -- how to put phony registrations  
25 up against phony ballots. We had a number of witnesses that could've testified to what

1 is now described in much more detail in "2,000 Mules" who had situations where they  
2 saw people stuffing Zuckerberg boxes, but we didn't have it in a comprehensive form, but  
3 we had individual witnesses who can say that.

4 Q Okay. And I understand that your -- you guys have a hard stop at 2:30 at  
5 least for a while, so I don't mean to jump in and interrupt you, but I do just want to get  
6 through as much as we can here.

7 In Pennsylvania, I believe you presented evidence that Pennsylvania had received  
8 more mail-in votes than it had sent to voters, meaning mail-in ballots sent to voters.  
9 And we understand that later that day, Tim Murtaugh with the campaign notified you or  
10 Ms. Ellis that you had confused the numbers of ballots sent in the primary and general  
11 elections. Are you familiar with what I'm talking about?

12 A No, I'm not familiar with that part of it. What I'm familiar with is that that  
13 was on the -- that was on the -- that was on the website. This was given to me by Boris  
14 Epshteyn. That was on the website until the day of the hearing and then it was taken  
15 down.

16 Q How long after did you learn that that number was incorrect, there wasn't  
17 actually more mail-in votes than had been sent to voters?

18 A I can't remember, but it was -- it was followed by another allegation of  
19 another couple of hundred thousand votes that were found that had not been accounted  
20 for.

21 Q Did you ever -- did you ever feel like you needed to kind of correct the  
22 record before the Pennsylvania legislature on this absentee -- or, excuse me, the number  
23 of mail-in ballot issue?

24 A Well, I didn't know it at the time that I spoke -- I spoke to them.

25 Q What about afterwards when you found out?

1           A     I'm not sure I trusted it. I mean, they had -- they kept changing everything  
2     on their -- they kept changing everything on their website all the time, and they kept  
3     increasing the number of people who voted. You know, we thought we were at  
4     100 percent and then we go to 110 percent, 115 percent.

5           I knew they were making a massive effort to not allow us to look at paper ballots,  
6     which I had to conclude as a former investigator and U.S. attorney could only be because  
7     there was something wrong with those ballots. If those ballots were clean, they'd have  
8     been the first ones to show them to us, and they did that with 700,000 ballots. That was  
9     extraordinary. Extraordinary.

10          Q     I think we're going to try to get to some of the more specific claims as well.  
11     I was just asking about this one in Pennsylvania and whether you'd heard that the  
12     campaign conveyed to you or Ms. Ellis that what you had said before the hearing was not  
13     necessarily correct.

14          But after the hearing in Pennsylvania --

15          A     I'm not sure -- I'm not -- I was never persuaded it wasn't necessarily correct,  
16     and my confidence in the Philadelphia and Pennsylvania voting system doesn't exist. I  
17     think that it's a -- it's been for many, many years, particularly Philadelphia, one of the  
18     capitals of voter fraud that gets away with it all the time.

19          And what they did in this election, by not allowing the examination of  
20     700,000 pieces of paper, which I would let you see if they were legitimate in a second, is  
21     extraordinary.

22          Q     Okay.

23          A     And it's extraordinary that that was disregarded by the court on a partisan  
24     basis.

25          Q     I understand your position. After the Pennsylvania hearing, I understand



1     that you went to the White House with a number of State legislators.   Do you remember  
2     doing that?

3           A     Oh, yeah.   That I think I can -- I don't think this is privileged.   During the  
4     course of the hearing, the President spoke to them by Zoom or one of those things, like  
5     we're using.   And he thanked them for having the hearing because at that point, that  
6     was quite a courageous thing to do, because we -- we had lawyers who were being  
7     threatened, were being thrown out of their law firms; we had people who were  
8     threatened with death, one of the lawyers in another case was threatened the death; we  
9     had legislators that to me told me they were frightened to hold the hearing because their  
10    career would be ruined and the local newspaper would destroy them.   They wanted to  
11    hold the hearing but they were afraid.

12           And the leadership largely, in some of these legislatures, opposed it.   Well, Doug  
13    Mastriano was the first to grant us a hearing, which was quite a breakthrough because  
14    when he did that, we got calls from the other legislators.   So he had the courage to be  
15    the one to go first, which I appreciated a lot.   I consider courage maybe the greatest  
16    virtue that a person can have.

17           And the President did too.   So the President asked if he could be a witness at the  
18    hearing, and I said, it would be better if you called in, which he did.

19           Q     He did call in.   And then afterwards you guys went to the White House,  
20    correct, with a number of legislators?

21           A     He invited them to the White House.   He said, when you're finished, you're  
22    only in Williamsburg, why don't you come to the White House, which turned out to be  
23    quite a logistical nightmare because there were 200 people.   I don't think he realized  
24    that.

25           Q     Very briefly about the meeting at the White House, did anybody discuss the

1      role of legislatures and potentially choosing their own electors during that meeting at the  
2      White House after the hearing in Pennsylvania?

3            A      Well, the meeting at the White House was kind of helter-skelter. It took a  
4      long time for everybody to get there. It turned out that -- everybody was being tested  
5      for COVID at the time. It turned out that several or more than several of the people  
6      there had tested positive for COVID, including --

7            Q      Understood. And, Mr. Giuliani, I don't mean to cut you off, but I'm not so  
8      much interested in the COVID technicalities of what was happening. Just my question  
9      was, do you remember the President or anybody else discussing the role of legislatures  
10     and the fact that they could choose their own electors in that meeting at the  
11     White House?

12          A      I'm sorry, you really have to let me answer the question the way I want to,  
13     because when people just say I can't remember, other people say, Oh, they're just trying  
14     to hide something. I'm trying to point out to you, this was a very confusing meeting  
15     with a lot of things going on, and the mere fact that I can't remember if that was  
16     discussed is explainable by the fact that I was dealing with a COVID problem because it  
17     affected the Mastriano family. They had COVID, and I was with them for quite some  
18     time. And, in fact, I think that's when I actually might have contracted it.

19          But in any event, I was in and out of that meeting because there were a lot of  
20     logistical problems going on. I remember the meeting, if you -- I remember the  
21     meeting -- and I would not say this is attorney-client privilege. It was with a large group  
22     of people. I remember the meeting being more a thank you by the President for, you  
23     know, for doing what they did.

24          Q      Holding the hearing?

25          A      Yeah. I don't remember any kind of real substantive discussion at that

1 meeting. But it could've happened. As I said, I was in and out of that meeting and  
2 really more concerned with the COVID situation than with -- than with the -- I mean, I  
3 knew the President would handle himself well, and there were other people there  
4 representing him. A number of our lawyers were there.

5 Q Ultimately, no State legislature chose their own set of electors in the 2020  
6 presidential election, correct?

7 A That is correct.

8 Q And did you ever think that any State legislature as a body was actually going  
9 to do that in States where he was not declared the winner?

10 A I would say that what I believe is attorney-client privilege. It's my thought  
11 process as a lawyer.

12 Q Now --

13 A You're asking me did I pursue them in good faith, believing that there was a  
14 reasonable and strong case for them to do it, I did. In each case, I had more than  
15 enough witnesses to overturn the election. The question is, were they credible or not,  
16 and they had to be assessed. I can't make that assessment.

17 But as a lawyer, the standard is do I have a reasonable basis for presenting the  
18 case and the 1,000 affidavits I have more than prove that I have a reasonable basis for  
19 presenting it. I have to see the case in the light most favorable to my client. If  
20 somebody comes to me and says, they told me, Here are 1,000 driver's applications,  
21 convert them into registrations and attach them to these ballots with no  
22 names -- somebody did do that, put it in an affidavit -- it's my obligation to do everything I  
23 can to present that to someone and not hide it as a lawyer.

24 Q And you --

25 A And what I'm being penalized for is playing my role as a lawyer aggressively,

1       which is what I'm supposed to do because my client, to a certain group of people, is  
2       unpopular. That is a very damaging thing for our country to do, and I hope you realize  
3       that.

4               Q     You did use those hearings -- you did use those hearings in Pennsylvania,  
5       Arizona, Michigan, and Georgia to present evidence to State legislators, correct?

6               A     I did.

7               Q     Okay. And none of them ended up adopting their own slate of electors, as  
8       we just went over. That's right?

9               A     No, but every single one of them, I believed, sent a letter to the President or  
10      to the Vice President with a substantial number of legislators asking --

11              Q     Right. And we'll --

12              A     -- asking -- may I finish?

13              Q     Sure.

14              A     -- asking for 7 more days, because they were certain that the vote that was  
15      submitted was false, the number was false, that there was no doubt about the fact that  
16      the number was false. They didn't say they were going to select Trump or Biden or say  
17      we can't make a decision, but they said they were convinced that there was way more  
18      than enough evidence that the election result was fraudulent.

19              In each case, each of those States had votes that were completely false. I mean,  
20      one State had 68,000 people under the age of 18 who voted, many of whom didn't vote.  
21      Their names were attached to phony ballots. You had States in which dead people  
22      voted, not enough to change the result of the election, but when added to other things  
23      might have changed the result of the election. You had people who were clearly out of  
24      State, in one case -- I think this happened in Arizona quite a bit -- about 6,000 or 7,000  
25      out-of-State voters who were clearly out of State who voted.

1           So whether we get to the point like "2,000 Mules" does, because they were able  
2   to do a more comprehensive investigation as to whether it affects the result, it's clear  
3   that there was substantial fraud that took place in large numbers that could approach, if  
4   not exceed, the margin.

5           In each one of those States -- and that's what those letters represented, and they  
6   asked the Vice President to give them 7 days so they could make sure that they didn't  
7   submit a false statement when they submitted the vote from Pennsylvania. I mean,  
8   there's no doubt that the votes submitted by those four States are false.

9           Q     Now --

10          A     So we could argue over are they false enough to change the election or not,  
11   but it's a Federal crime to submit a false statement to the United States Government.  
12   And they did not take due care to make certain, like for example, the Secretary of State  
13   in --

14          Q     Mr. Giuliani, can I just stop you because I do have a question about the  
15   letters that you raised.

16          A     The Secretary of State in Atlanta announced that the election was perfect,  
17   and we found out 2 weeks ago when an FOIA request that he had a report 7 days later  
18   from his own investigator listing --

19          Mr. Costello. Seven days ago.

20          The Witness. Seven days ago, we got a report from a FOIA request that he had a  
21   report from his own investigator listing 48 illegal and irregular acts although he pretended  
22   it was a perfect election and never revealed that report. So that's what we were  
23   contending with.

24

BY

25          Q     Understand what you're putting on the record here. And the question

1 about the letters you raised, the letters that eventually went to the President and the  
2 Vice President signed by various State legislators were not actually sent by the  
3 legislatures, right? No body, no legislative body --

4 A Correct.

5 Q -- met and sent those letters to the Vice President, correct?

6 A They were sent as a group of -- one of them was the majority leader of the  
7 Pennsylvania Senate, I believe, Senator Corman, I think.

8 Q But the Pennsylvania Senate didn't send it, correct?

9 A No. I've made that clear. This was not a vote of the legislature.

10 Q Okay.

11 A This was the expression of opinion of a large number of legislators,  
12 particularly those who had participated in the hearings. In the case of Georgia, it came  
13 from Senator Ligon, who actually conducted the most extensive hearings, at least two in  
14 which I participated, maybe two others, and wrote a very, very thoughtful report about  
15 the fraudulent activity in Atlanta, which was quite substantial.

16 Q Did you or your team have a role in encouraging legislatures to -- or  
17 legislators, excuse me, to send those letters or letters like those to the Vice President  
18 before January 6th?

19 A Well, we were asking them for a vote. I don't know if -- I believe the idea of  
20 sending a letter emerged from them, because they couldn't get a vote usually blocked by  
21 the leadership, the Republican leadership, not by the membership. It was a big division  
22 between the younger, large number of Republicans in the legislature, and the legislative  
23 leadership that -- well, particularly in Georgia where the governor was very opposed to  
24 this, and the Secretary of State had announced it was a perfect election. He had lobbied  
25 very much against their doing this. And the same thing in Arizona where Governor

1 Kemp was very, very opposed to this and certified the election even though the State  
2 legislature was still considering it.

3 So, yeah, I'm sure -- I'm sure we -- we communicated with them about the letter.  
4 But largely, the idea of doing that came -- emerged from the legislature because they  
5 couldn't get the Republican leadership to agree to call a vote.

6 Q And ultimately, as we've discussed --

7 A And on the other hand, they never did have a vote. They just blocked the  
8 vote.

9 Q Ultimately, as we've discussed, no State legislatures chose Trump electors in  
10 the 2020 election, but are you aware of the effort to have Republican electors meet and  
11 cast electoral votes in States that Trump had lost, including Arizona, Michigan,  
12 Pennsylvania, Georgia, Wisconsin, New Mexico, and Nevada?

13 A Well, let me qualify that by saying no State legislature took a vote on it, so  
14 there's no vote. The majority leaders and the speakers, the more long-term career  
15 politicians decided they didn't want a vote. Who knows what would've happened if  
16 there was a vote.

17 But in any event, that practice -- that practice had been followed in other  
18 elections. And the advice, if I recall it correctly, there was outside advice that this had  
19 been done before and that you couldn't possibly, in the period of time between then and  
20 the electoral college should you discover fraud that they would consider dispositive, you  
21 would just lose those electors unless you had an alternative slate.

22 And I recall I was not substantially involved in the legal decision here, but I don't  
23 think this is privilege because this is a matter of historical fact. There was a situation like  
24 this in the 1960 election with the State of Hawaii that had been granted to Kennedy on  
25 election night. Nixon went ahead and put together a separate slate of electors in case

1 during that period it was overturned, and it was overturned. That's the one I remember.

2 But I remember getting legal opinions, explaining that this is what you had to do  
3 to protect if, in fact, from the day we're talking about until the day of the vote something  
4 emerges that dispositively shows that the election was a fraud that could get past  
5 the -- get past a massive media censorship and incredible effort that was made to try to  
6 shut out any information about this.

7 Q When do you recall this idea of Trump electors meeting in States that he had  
8 lost to cast electoral votes first coming up?

9 A That would be privilege.

10 Q Who was involved in that effort to have these Trump electors meet and cast  
11 votes in those States that I listed from your team?

12 A That would also be privilege.

13 Q Do you know a person named Ken Chesebro?

14 A I may. I know a lot of people, but the name doesn't ring a bell right now.

15 Q Okay. And I'll spell the last name. It might be called Chesebro too. It's  
16 C-h-e-s-e-b-r-o. Does that ring a bell?

17 A I'd be more likely to remember it if it was Chesebro. But I don't -- you  
18 know, when I say I don't remember it, please understand, I know a lot of people, and  
19 there are times in which I say I don't remember and then I see a picture of me with them.  
20 But I don't remember. That name does not -- like if you said, do you know Boris  
21 Epshteyn, I'd say, yes. But if you tell me do I know him, I don't -- I don't know if I know  
22 him.

23 Q What was John Eastman's role in having Trump electors meet and cast  
24 electoral college votes in States that Mr. Trump had lost?

25 A I'm not sure I can tell you his role because that would be strategy and



1 privilege, but John Eastman was counsel to the campaign and I would say on  
2 constitutional issues, because he's a well-respected and well-regarded author of  
3 constitutional law text, dean of a law school. And his -- his positions, particularly on the  
4 Electoral Count Act of 1877, has majority support among the law reviews, including an  
5 article by Lawrence Tribe, a very well-known Democrat, who agrees with him that the  
6 1877 Act under which Vice President Pence was operating is unconstitutional.

7 Q Did he help --

8 A That's -- that was most recently expressed in a Georgetown Law Review  
9 article in 2017 in which they warned Congress to change it, because at some point it's  
10 going to be declared unconstitutional.

11 Q Did he work with your team? Is that the basis for your privilege objection?

12 Mr. Costello. Who's the "he"?

13

BY [REDACTED]

14 Q John Eastman.

15 A Well, first of all, he worked with the -- he was a lawyer for the President, so,  
16 yes, he worked -- most definitely, he worked with our team, yes.

17 Q If we could pull up exhibit No. 18, please. This is a memo, I believe, that  
18 Mr. Eastman sent to you on December the 7th.

19 A How do we know it is the 7th? It says November 18th on top.

20 Q Right. We have an email in suggesting that a version of this memo was  
21 sent to you on December the 7th, and I can show you that. But do you -- now that you  
22 see this memo with Kenneth Chesebro's name addressed to Judge James Troupis, do you  
23 recognize the name Ken Chesebro?

24 A I still don't. I still don't recognize the name.

25 Mr. Costello. Who is Judge Troupis?

1

BY [REDACTED]

2

Q Do you know who Judge Troupis is?

3

A Did Judge Troupis represent us in Wisconsin? Do you know?

4

Q I believe he is from Wisconsin, but I'd have to ask you that. I don't know if

5

he --

6

A Well, if he is who I think he is, and this is just a partial answer, he was the

7

lawyer who represented us, a former Supreme Court Justice, if it's the same one who

8

represented us in Wisconsin, in the Wisconsin case. He's quite an excellent lawyer.

9

Q So this memo goes through and talks about --

10

A These are the views of Kenneth Chesebro as opposed to Professor Eastman

11

that you're showing me?

12

Q I have to ask you that. Are these views consistent with what you recall

13

from Mr. Chesebro or Mr. Eastman?

14

Mr. Costello. Wait a second. He said he didn't see this memo. It's not

15

addressed to him.

16

The Witness. He's asking me if I did see it.

17

BY [REDACTED]

18

Q Correct.

19

A Well, first of all, the memo is absolutely attorney-client privilege. It's

20

election strategy, and, I mean, litigation strategy for possible litigation or representation

21

before the State legislature, so I would raise the attorney-client privilege with that. But I

22

can tell you that the name Chesebro still doesn't ring a bell. Maybe it should. And I

23

would like to check on Troupis. I do believe he was the lawyer who represented us

24

quite effectively in Wisconsin.

25

Q So aside from the maybe nuts and bolts of what's in this memo and anything

1 that you took away from it or may have taken away from it, do you recall ever having  
2 seen it?

3 Mr. Costello. Let him read the whole thing, if he can. Slide it up on the screen.

4

BY [REDACTED]

5 Q Sure. If we go down to the bottom of the first page.

6 A Number one, I believe it's privilege. I'm not even sure I could answer  
7 whether I saw it or not.

8 Q Okay. If we go to exhibit 16, this is an email from John Eastman to an email  
9 address [REDACTED]

10 A Yeah, that was my email at the time, yes.

11 Q The [REDACTED] was your email?

12 A Uh-huh, yeah, absolutely.

13 Q Okay. So this -- the subject line is December 14th analysis. Of course,  
14 December 14 was the day the electoral college met. And Mr. Eastman says, Here's the  
15 memo we discussed, and it attaches a Chesebro memo on the real deadline too. Do you  
16 recall getting this email from Mr. Eastman?

17 A I don't dispute that I got it. I can't tell you that I recall it. And I would say,  
18 again, it's privileged.

19 Q And I'll represent to you that the committee is engaged in litigation with  
20 Mr. Eastman and Chapman University about his emails, and this is an email that was  
21 released to us as a result of that litigation over numerous objections.

22 A Yeah, I -- I just find it really unfortunate that this suggestion that John  
23 Eastman was doing something illegal here, other than being a good, honorable lawyer  
24 giving his opinion, is outrageous. The man is a man of unblemished reputation. This  
25 was his honest viewpoint whenever he gave it to me, whether this was it or not, and it

1 breaks my heart to see what you're doing to him.

2 Q If we go to exhibit No. 17, please.

3 A This is a really good man that you're really hurting.

4 Q So exhibit 17 is another memo from Ken Chesebro to James Troupis dated  
5 December 9th, saying, Statutory requirements for December 14th electoral votes. And  
6 it goes through a number of Federal and State laws that it could apply to the meeting of  
7 alternate Trump electors. Do you remember ever receiving a memo -- this memo about  
8 the State and Federal provisions that apply to the meeting of Trump electors?

9 A I would assert the attorney-client privilege again.

10 Q Okay. Earlier you mentioned the example of 1960 and Hawaii and offered  
11 your views on that case. In the middle of this, in the middle paragraph --

12 Mr. Costello. We can't see it. You've got to move it up.

13 The Witness. Oh, good. Okay.

14 BY

15 Q Yep. It says that -- the second paragraph says that, "It appears that even  
16 though none of the Trump-Pence electors are currently certified as having been elected  
17 by the voters of their State, most of the electors, with the possible exception of the  
18 Nevada electors, will be able to take the essential steps needed to validly cast and  
19 transmit their votes so that the votes might be eligible to be counted if later recognized  
20 by a court, the State legislature, or Congress as the valid ones that actually count in the  
21 presidential election."

22 Was it your understanding -- or, excuse me, was that your understanding, what I  
23 just read, of the purpose of having Trump electors meet on December 14th?

24 A That's privileged, but my understanding is of a campaign -- of a legal  
25 strategy.

1           Q    This, of course, mentions both -- or all of the possibilities that a court, a State  
2   legislature, or Congress could recognize these alternate electoral votes. Was it your  
3   understanding that Congress could recognize these electoral votes cast by Trump electors  
4   even if courts or State legislatures hadn't adopted or ratified them?

5           A    Well, without getting into legal theory or even saying whether I expressed  
6   this at the time, which I don't think I did, it -- my interpretation as a lawyer would be it  
7   would have to initially be done under the Constitution by the State legislature.

8           Q    This mentions Congress, meaning --

9           A    I know it represents court and Congress, but the Constitution says the State  
10   legislature decides on the electors. So, but of course, then, if there is a tie or insufficient  
11   votes, then it leaves the State legislature and the presidency goes to the Senate and the  
12   Vice Presidency goes to the House without any question. That -- that's one of the eight  
13   reasons why the 1877 Electoral Count Act is unconstitutional, because it gives the Senate  
14   a role that the Constitution prohibited the Senate to have, but that's just being a legal  
15   idiot.

16          Q    Along those lines, just to clarify what you just said, so do you think that the  
17   State legislatures would have to adopt or ratify these --

18          A    Yeah, but -- this is the problem of what you're doing here with Eastman.  
19   These are things that lawyers argue about all the time. I could see how you could make  
20   an argument that at this stage, since the State legislatures had already -- it's already past  
21   them, it now belongs to Congress, or the courts can always intervene if something is  
22   being done that's unconstitutional. I'm just giving you my off-the-cuff opinion that the  
23   safest place to go would be the State legislature because of what the Constitution says.

24          Q    Yeah, and that's helpful. And I'm just -- I want to understand the answer  
25   you just gave. So do you think that the State legislatures would have to adopt or ratify

1 these Trump electoral votes for them to have legal significance later on?

2 A Yeah, I think that. I don't know what that's worth, and I don't think I ever  
3 expressed that in any of these discussions. It actually just occurred to me now.

4 Q Okay. If we go to exhibit No. 24, please. I'm showing you some of this in  
5 part, Mr. Giuliani, to see if it shakes anything loose, because I know that some of this has  
6 happened, you know, over a year ago.

7 But if you scroll down just a little bit, Grant. Keep going just a bit under the Xs.

8 This is an email from Ken Chesebro to you on December the 13th, 2020, which is  
9 the day before the electoral college met to cast votes, with the subject, Privileged and  
10 confidential brief notes on "president of the Senate strategy."

11 Do you remember receiving information from anybody, including Mr. Chesebro,  
12 about this what's called "president of the Senate strategy"?

13 A Let me just read it.

14 Could you take it down a little further? Thank you.

15 First of all, this would be privileged; and, secondly, just for your benefit, I don't  
16 have a distinct recollection of this.

17 Q Okay. And this memo goes on for quite a bit, and I think it's helpful the  
18 way you answered. But more generally, do you remember discussions about the role  
19 that the Vice President would play in choosing among purportedly competing slates of  
20 electoral college votes, and do you recall this coming up in the period before  
21 December 14th?

22 A That would be privileged.

23 Q Privilege as a work product or a communication that you had?

24 A Both.

25 Q Are you saying that because you believe Ken Chesebro was part of your legal

1 team?

2 A I have to assume he was. I mean, he's giving us legal advice. I just don't  
3 remember him.

4 Q And I'll represent to you again that this is a document we obtained from  
5 Chapman University, and Dr. Eastman is part of the litigation where a judge determined  
6 that this was not subject to any kind of privilege assertion or withholding on that basis.

7 A Yeah, but he decided it based on some kind of a criminal -- on the criminal  
8 fraud --

9 Mr. Costello. Fraud exception.

10 The Witness. -- exception. And I, as a lawyer, think that that's a completely  
11 unjustifiable decision. There's no basis, and I think it's also a horrible thing to do to a  
12 lawyer who is exploring legal theories and very, very much hinders proper legal  
13 representation of people that just happen to have different political opinions than you  
14 do. This is a terrible thing that's happened. I can't imagine, you know, 10 years ago  
15 anyone finding anything criminal in Professor Eastman giving his opinions on the  
16 Constitution.

17

BY 

18 Q Mr. Giuliani, just so we understand your position, is your position that this  
19 document that a court -- a Federal judge has already found is not subject to privilege is  
20 nevertheless -- the content is privileged and you can't discuss communications with a  
21 person whom you don't remember, who is not part of your legal team, but who  
22 happened to be sharing a legal theory with you?

23 A Well, he clearly was working for Professor Chapman. He's giving --

24 Mr. Costello. Eastman.

25 The Witness. Eastman. He's giving me legal information, and the mere fact

1       that that criminal, whatever thing applies to Eastman unjustly, does not mean it applies  
2       to me.   So I would be in jeopardy of losing my law license if I violated the attorney-client  
3       privilege.

4

BY [REDACTED]

5

Q       And when you say attorney-client privilege, you mean the attorney work  
6       product doctrine?

7

A       Which is the same thing.

8

Q       I just want to be clear.   The rule is -- the rules are different, and I just want  
9       to make sure we have the right nomenclature.

10

A       The rules are different, but the consequences for violating it are pretty much  
11       the same.

12

BY [REDACTED]

13

Q       And so the Federal court decision releasing this to us over objections like  
14       those you're saying do not bind you?

15

A       Well, I'm a different person.   It wouldn't even be res judicata in a litigation.

16

Q       There is no confidentiality of this document anymore, or the information  
17       contained in it based on a Federal court ruling.   Do you agree with that?

18

A       With regard to me there still is.

19

Q       Okay.   Your objection is noted for the record.

20

I will say, at the end of this document it does -- it's addressed to you, and it's sent  
21       to you, but it says, Thank you for seeking my further input on this possible strategy.   Do  
22       you recall seeking Mr. Chesebro's input on the strategy that he calls the president of the  
23       Senate strategy?

24

A       I would assert the privilege with regard to that.

25

Q       For brevity, we would assert the same response about this being released by



1 a Federal court, but we will note your objection for the record.

2 A And I -- and my objection is that opinion does not apply to me, and my  
3 circumstances are completely different than Professor Eastman and the litigants in that  
4 case. I represented the President in a different capacity. I had different obligations.  
5 And that opinion has no bearing on me at all. It doesn't say -- you'd have to make a  
6 finding that somehow I was involved in some kind of a criminal engagement with the  
7 President, which if you do, would be one of the more absurd decisions anyone has ever  
8 made.

9 Q We won't go through and restate our position again. It's just the same as  
10 the discussion we just had.

11 Do you know whether Mr. Mark Meadows is aware of the fact that Trump electors  
12 were meeting in States that Mr. Trump had lost?

13 Mr. Costello. Of electors -- alternate electors.

14 The Witness. Oh, you mean -- you mean the selection of alternate electors?

15 BY [REDACTED]

16 Q Correct. Did Mr. Meadows know about that?

17 A Was Mr. Meadows aware of it?

18 Q Correct.

19 A Can I just talk to Bob about that? I'm sorry.

20 Q Of course, yeah. Take your time.

21 [Discussion off the record.]

22 Mr. Costello. Are we back?

23 BY [REDACTED]

24 Q We are back.

25 A I think the most helpful answer I can give is, I'm confused as to whether it's

1 privileged or not, but to -- to shorten our work that we have to do, I don't have a  
2 recollection of a conversation with Mark about electors. That doesn't mean it didn't  
3 happen, because I talked to a lot of people about a lot of things. But if you ask me  
4 under oath, I'd have to say I have no present recollection, nor do I know his state of mind.

5 Q Okay. So I understand that you had several calls with the Republican  
6 electors in various States before they met on December 14th. Do you remember having  
7 calls with groups of electors before they met on the 14th?

8 A That -- that would be attorney-client privilege.

9 Q And just for the record's sake, a communication with Republican electors  
10 who are not your clients would be privileged?

11 A On behalf of my client, and in order to advance the interest of my client.  
12 That's the work that I was doing to protect his legal position.

13 Q Are you suggesting it's work product then, or attorney-client  
14 communication?

15 A Well, it's obviously work product. I'm sorry.

16 Q We'll note that as well.

17 In your discussions with electors or Republicans who were contemplating meeting  
18 or assisting in the effort to have electors meet, did anybody raise any concerns to you  
19 about not being able to comply with State laws?

20 A That would be privileged for the same reason.

21 Q Could we pull up exhibit No. 26, please. We understand that you had one  
22 of these phone calls on December the 12th with electors or potential Republican electors  
23 in Pennsylvania, and that in that call, as you can see in the top email there, some of the  
24 electors raised concerns and asked for indemnification by the campaign if somebody gets  
25 sued or worse, and then, in parentheses, it says, charged with something by the AG or

1 something else.

2 Do you remember anybody asking you if the campaign would be willing to provide  
3 indemnification to the Trump electors in States that Trump had lost?

4 A I'm -- I'm confused about this -- this --

5 Mr. Costello. Email.

6 The Witness. -- email. This is an email to me?

7

BY [REDACTED]

8 Q No. And I'm sorry, this is more for context than anything else. I should  
9 have explained that. This is an email from a lawyer for the Republican Party in  
10 Pennsylvania, Mr. King, to James Fitzpatrick, who is somebody with the Donald Trump  
11 campaign. And what he's talking about, Mr. King, is a call with you where they  
12 requested indemnification for their efforts to meet and cast votes for Donald Trump.

13 Do you remember -- so my question is, do you remember the Pennsylvania  
14 electors requesting indemnification by the campaign in order for them to meet and cast  
15 votes for Mr. Trump?

16 A Again, I'm a little confused. Who called me?

17 Q You were on a call, we understand, with the Trump electors just 2 days  
18 before they were scheduled to meet in Pennsylvania. And on that call they raised this  
19 idea --

20 A I see.

21 Q -- of indemnification.

22 A On that call, it's alleged that this person raised the issue of indemnification.  
23 Is that it?

24 Q Correct. Do you recall people raising the issue of indemnifying or  
25 indemnification for their efforts to meet and cast electoral college votes?

1           A    Well, that -- that would be work product also, attorney work product.

2           Q    Okay.  Are you aware that ultimately electors in seven States did meet and  
3   cast votes for Donald Trump despite the fact that he was not declared the winner of  
4   those States and that those votes were sent to the Vice President for consideration on  
5   January 6th?  Are you aware of that?

6           A    Let me talk to Bob again.

7           Q    Sure.

8           [Discussion off the record.]

1

2 [1:02 p.m.]

3 Mr. Costello. Okay, we're back, I think. Yeah.4 The Witness. I'll assert the attorney-client privilege and the work product  
5 privilege with regard to that.

6

BY [REDACTED]

7 Q Okay. So that question about your knowledge of whether alternate  
8 electoral college votes were sent to the Vice President?

9 A Correct.

10 Q All right. And I do just want to, for the record, put something out there,  
11 which is that the work product doctrine, our position is that it protects documents and  
12 materials that are prepared by a party or somebody who is being supervised by a party in  
13 anticipation of litigation.14 So these work product assertions that you're making, is that consistent, in your  
15 mind, with that understanding of work product?16 A I'm not going to get involved in the legal interpretation of work product.  
17 We'll leave that to a court.18 Q Okay. And for -- as far as the attorney-client communications, are you  
19 saying that answering the question I just asked about your knowledge of whether these  
20 votes were sent to the Vice President implicates your attorney-client relationship with the  
21 President?22 A Yes, because it would affect my thinking, my ideas, my possible advice. It  
23 could have involved a communication with the President.24 Q Now, ultimately, none of these electoral college votes submitted by Trump  
25 electors in States he had lost were adopted by a court or legislature.

1           Do you recall any discussions, with anybody, about whether they could still be  
2       used in the joint session of Congress?

3           A     That I don't recall.

4           Q     Do you know who a person named Ivan Raiklin is?

5           A     No.    Maybe I do.    Maybe if you had pictures it would help.

6           Q     I do not have a picture of Mr. Raiklin, but if we get one I'd be more than  
7       happy to show you.

8           A     Could you tell me who he is, give me a little information about him?  
9       Maybe that'll refresh my recollection.

10          Q     Mr. Raiklin is somebody who I believe worked with General Flynn, possibly,  
11       and others and submitted a memo on what he thought the Vice President's authority  
12       should be on January the 6th to a number of people, including folks at the White House.

13          A     I'd have to see the -- no, I don't recall the name Ivan Raiklin.    If he's closely  
14       associated with General Flynn, I may have met him.    I worked with General Flynn for a  
15       long time and know a lot of the people around him when he was on the 2016 campaign  
16       and when he was in the White House.

17          Q     Why don't I show you exhibit No. 37.  
18       If you scroll down just a bit.    And you are not -- excuse me, I'm sorry.  
19       Mr. Raiklin on December the 23rd sent this to you, copying --

20          A     He sent this to me?

21          Q     Correct, rhelen0528.

22          A     Yeah, yeah.    Right there.    Sure, okay.

23          Q     And he also copied Mr. Mark Meadows.    And in the subject line it says it's  
24       "Time Sensitive (hours) urgent.    Title 3 USC Section 12 maneuver 'PenceCard' by  
25       midnight."

1 If you scroll down, Grant.

2 He sends you -- or he forwards you, rather -- his original email.

3 If you keep scrolling down.

4 It says, "Memorandum for the President, subject: Operation 'Pence'  
5 Card - December 23rd."

6 Do you remember receiving this from Mr. Raiklin about Operation, quote,  
7 "PenceCard"?

8 A Well, again, I would assert work product privilege and even attorney-client  
9 privilege on this one. But also, again, I don't have a distinct recollection of this.

10 Q And earlier, you --

11 A Let me just finish the last part of it just in case. I didn't read the  
12 "PenceCard" part of it.

13 Q What you're seeing there is just a top portion of that memo. It goes on for  
14 several pages.

15 A This is December 22nd, right?

16 Mr. Costello. You mean this memo is not complete, is that what you're saying?

17 Mr. [REDACTED] Well, we can scroll down. I'm just saying it goes for a few pages.

18 The Witness. In any event, I would assert a privilege about it. But I'd also tell  
19 you, I have no distinct recollection of it and I even have some reason to believe at that  
20 point, if we're talking about December 22nd, if I received it I might not have read it.

21 Mr. [REDACTED] And just for the record's sake, you're asserting a communications  
22 privilege, because it could implicate a communication --

23 The Witness. With the President.

24 Mr. [REDACTED] -- or attorney-client relationship with the President?

25 The Witness. Yes.

1           Mr. Costello. But he's also telling you that he doesn't recollect it.

2           BY MR. [REDACTED]

3           Q     We'll go to exhibit No. 35. This is a memo that we received. I understand  
4     that it was written by Professor John Eastman. At the top it says, "privileged and  
5     confidential," then "January 6 scenario." It starts with, "7 States have transmitted dual  
6     slates of electors to the President of the Senate."

7           Do you recall ever having seen this?

8           A     So far not, but let me go through it.

9           Q     Okay. I think it would be most helpful if we actually go to page 2, where it  
10    lists a number of options for the Vice President on January the 6th. It's the more unique  
11    aspects of the memo as opposed to reciting statutes.

12          A     This would be a legal strategy. This is a discussion of legal strategy, so it  
13    would be privileged.

14          Q     Do you remember having seen this?

15          A     This is one I would say I may or may not have seen. I mean, the precise  
16    answer is, when I'm reading it, that it doesn't refresh my recollection that I read it.

17          Q     But you think it's possible you have seen this before?

18          A     Almost anything is possible that I saw, because I was looking at a thousand  
19    documents a day. But this doesn't ring any bell that I saw this particular piece of paper.

20                I mean, there are facts in it that I'm very aware of, like Tribe's position and the  
21    arguments about the act. But I don't recall this particular -- I just don't have a distinct  
22    recollection of it.

23          Q     Do you remember ever --

24          A     I would say -- I would mainly assert the attorney-client privilege.

25          Q     Do you remember ever discussing with Professor Eastman this idea that the



1 Vice President had some authority during the joint session to take actions based on the  
2 existence of the alternate Trump electoral college votes?

3 A Well, my discussions with Professor Eastman, who was co-counsel, would be  
4 privileged.

5 Q Do you remember discussing that with anybody else, including Mr. Bannon?

6 A Discussing what?

7 Q This idea that the Vice President might have some authority to take an  
8 action during the joint session based on the existence of alternate Trump electoral college  
9 votes.

10 A I recall discussing it with both -- discussing it with the press and hearing  
11 discussions about it in the press, not just from me but from other people. So I could,  
12 quite likely, have discussed it with Bannon, sure.

13 Q And when did you first hear about this idea that the Vice President could  
14 take some action in the joint session based on these competing slates of electoral college  
15 votes?

16 A Most of it would have come from research, advice from other lawyers.

17 Q Did that include Professor Eastman?

18 A Of course. I was in frequent communication with Professor Eastman.

19 Q And, of course, Professor Eastman was a speaker at the rally on the Ellipse  
20 on January the 6th as well, right?

21 A With me, together.

22 Q Yes.

23 BY M [REDACTED]

24 Q Anyone other than Dr. Eastman who researched or discussed this issue, that  
25 you recall?

1 A Yes.

2 Q Who would that be?

3 A I'm not certain I can tell you that. I would have to check as to what their  
4 status was as lawyers involved in the representation of the President.

5 Q And, Mr. Giuliani --

6 A It may be that I got some outside advice as well. I have a faint recollection  
7 of that. But I don't want to answer it now because I may be wrong.

8 So I'll have to assert the privilege and see if there's anyone outside the privilege  
9 that I discussed it with from the point of view of legal strategy. But there were other  
10 lawyers expressing the same view as Professor Eastman.

11 Q And do you recall the timeframe when this issue first started coming up?

12 A Which one?

13 Q The role of the Vice President in the electoral count.

14 A I don't. I don't recall when it first came up.

15 Q Do you recall, other than legal advice or legal strategy, do you remember  
16 hearing about it from Members of Congress?

17 A I have no -- I don't have a recollection of hearing about it from Members of  
18 Congress.

19 Q Anyone in the White House?

20 A Well, I mean, that could include the counsel's office, right? So that would  
21 be -- I don't think anyone in the White House that wouldn't fall under the privilege.

22 Q Understood.

23 Mr. [REDACTED] I do want to come back to a meeting that you discussed with Mr.

24 [REDACTED] earlier today. There was a December 21st meeting at the White House with the  
25 President, the Vice President, and a number of Members of Congress, including those

1 from the House Freedom Caucus. We understand that at that meeting this topic about  
2 the Vice President, his role on January 6th may have come up.

3 Do you remember whether, in fact, you did have a meeting at the White House  
4 where this topic came up with Members of Congress?

5 Mr. Costello. You mean on December 21st?

6 The Witness. I'd have to check and see if I was at that meeting.

7

BY

8 Q What about ever, even if you don't recall it being on December 21st  
9 specifically?

10 A The reason I say that is I do remember some meetings that I couldn't go to  
11 and either Katherine Friess or Jenna Ellis went for me about that time, because I was very  
12 busy. I can't tell you if that's one of them. I know there was one significant meeting  
13 that I sent Katherine Friess to.

14 Q What about just you? Do you remember going to the White House and  
15 meeting with Members of Congress where this issue of the Vice President's authority  
16 came up?

17 A I can't say that -- I can't -- I could have. I mean, I don't -- I can't -- I couldn't  
18 specify a particular meeting or what was said or --

19 Q Let me ask it this way. Do you remember going to the White House to  
20 meet with Members of Congress about the joint session?

21 A I went to the White House to meet with Members of Congress several times  
22 to answer questions they might have about what's going on and the legal strategy. I  
23 don't remember going there for that specific purpose.

24 Q Tell us about what you do remember of briefing Members of Congress on  
25 the questions they had and the legal strategy for the joint session.

1           A    Well, I'm not sure if that wouldn't be privileged, if they're the  
2    decision-makers and I'm making this argument for the President. I would have to check  
3    into that before I go through the laborious process of checking my recollection to see if I  
4    remember it.

5           Q    Did you ever represent Members of Congress in the post-election period  
6    related to the joint session?

7           A    I'm sorry, represent them? You mean as a lawyer?

8           Q    Correct, had an attorney-client relationship with them.

9           A    I don't think so.

10

BY [REDACTED]

11          Q    So I want to understand better the position here with respect to  
12    communications with Members of Congress and how that might be privileged in any way,  
13    because this may be something we have to seek a ruling from the chair on.

14          Mr. Giuliani or Mr. Costello, can you explain the basis for privilege, any sort of  
15    privilege claim with respect to communications with Members of Congress about  
16    post-election activities and the joint session of Congress?

17          A    If they're not in public and they're private conversations we're talking about?  
18    If I'm testifying before Congress, that's one thing. But if I'm arguing a legal theory for  
19    my client with them that hasn't been public yet, trying to persuade them, that's acting in  
20    my capacity as the President's lawyer.

21          Q    And so you believe it's attorney-client communication?

22          A    I believe it's attorney-client theory developed with my client, and a lot of  
23    it -- and at times it could be communications that I either shared with or in some way  
24    involving the President.

25          Q    But if you're not --

1           A     Give you a hypothetical. Suppose the President, -- I'm not saying he did  
2     this -- but suppose the President said, "This is a theory that we have, talk to Congressman  
3     this one and that one and explain it to them," and then I come back and I report it back to  
4     the President. It would seem to me that that would be privileged.

5           Q     But we're not talking about communications, private communications you  
6     had with the President. We're asking you about communications you had -- perhaps in  
7     his presence -- but with Members of Congress, who you do not represent, about a joint  
8     session of Congress.

9           A     And they could inextricably be combined with communications with the  
10    President, with my client.

11          Q     Okay. So we're asking for anything you recall about the discussions,  
12    specifically excluding any conversations that you conveyed that you had had with your  
13    client in these meetings. Are you willing to testify to that?

14          A     I'd be willing to testify to anything if I wasn't an attorney who had to be  
15    protective of a very important privilege, which I think is under severe attack.

16                And at this point, I'm not comfortable that I can distinguish between  
17    conversations I had with the decision-makers -- I'd almost consider them the jurors -- that  
18    were part of almost a conversation with the President, because he asked me to do it or I  
19    reported it back to him. I can't distinguish conversations like that in my mind.

20          Q     Okay. Well, I think we'll sort of note our disagreement here and then we'll  
21    move on.

22          A     Okay.

23                BY [REDACTED]

24          Q     I just want to follow up on a question I asked earlier.

25                Mr. Giuliani, you said that you don't recall having any discussions about -- with

1 anyone at the White House about the role of the Vice President outside the protected  
2 scope of your attorney-client relationship.

3 I'm wondering, do employees at the Office of the Vice President fall into that  
4 category for you? Did you have conversations with anyone in the Office of the Vice  
5 President about the Vice President's role?

6 A Well, sure.

7 Q And do you consider those to be protected by attorney-client privilege?

8 A Or work product.

9 Q So your answer is, yes, you had those conversations?

10 A No. My answer is it would be privileged if I did.

11 Q But the existence of them, you're saying the existence of any conversations  
12 would be protected by attorney-client privilege and work products?

13 A I believe that's correct. Just to shorten your work, I can tell you I did not  
14 discuss it with the Vice President.

15 Mr. Costello. With the Vice President or the Vice President's staff?

16 The Witness. With the Vice President. If I did I would assert the privilege, but I  
17 didn't.

18 [REDACTED] Understood. I think that speaks for itself.

19 BY [REDACTED]

20 Q It's been widely reported, Mr. Giuliani, that on January the 5th there were at  
21 least one or maybe more meetings between the President and the Vice President about  
22 the Vice President's role on January the 6th.

23 Are you familiar with those meetings?

24 A Yes. I think I can say yes. I'm familiar with meetings. Wasn't sure if it  
25 was one or two.

1 Q Okay. And I assume you're going to assert a privilege if I ask you about  
2 your understanding of the contents of those meetings?

3 A Of course, yes.

4 Q Okay. After the meetings on the 5th, we understand that the President  
5 called you and Mr. Steve Bannon and conveyed to you that the Vice President was very  
6 arrogant and that the President wasn't happy with him.

7 Did you receive a phone call like that from the President with Mr. Steve Bannon?

8 Mr. Costello. Clarify that, if you would. Are you saying that Bannon was on the  
9 call with Giuliani?

10 [REDACTED] Correct.

11 Mr. Costello. Hold on one second.

12 Are you guys back? Are we back?

13 [REDACTED] Yes, we're back.

14 The Witness. So I don't recall if I had a three-way conversation with the  
15 President with Bannon on the call. Obviously, if Bannon was on the call, it wouldn't be a  
16 privileged communication. But if he wasn't on the call --

17 Mr. Costello. Hold it. Something happened here.

18 Guys? It just says conference room.

19 [REDACTED] Our video went off. Sorry.

20 The Witness. So is there any way that you can --

21 BY [REDACTED]

22 Q Well, let me ask you this. Do you remember receiving a call --

23 A Can you give me -- no, I don't particularly remember a three-way call with  
24 Bannon. I'm not saying it couldn't have occurred. I had other three-way calls with  
25 Bannon, but I didn't have too many three-way calls with the President ever.

1           So it's a little unusual. And I was usually pretty careful because of the  
2 attorney-client privilege. But things were happening so fast then it's conceivable. So  
3 I'm in a very difficult position.

4           If you could give me something. Is there something that definitively shows that  
5 Bannon was on that call, that would then relieve me of the privilege and I would tell you  
6 what happened.

7           Q I'm asking if you remember a call with Mr. Bannon and the President --

8           A I don't remember if Bannon was on the call or not. It's 50/50. It could  
9 have happened. It might not have happened.

10          Q Even in the room with you and the President potentially on speakerphone.  
11 I understand you were together at the Willard Hotel on the 5th.

12          A I just can't be sure enough that Bannon was part of the call that I can  
13 waive the privilege for him, for the President. I'd be willing to try to research it and find  
14 out if I could assure myself that Bannon was there.

15          Q Do you remember ever telling Mr. Bannon about the call you'd had with the  
16 President on the 5th after his meeting with the Vice President?

17          A I don't recall, but I may have.

18          Q As you sit here now, you don't recall telling Mr. Bannon about any calls you  
19 had with the President with respect to the Vice President's authority on January the 6th?

20          A I don't have a distinct recollection of that conversation, although I have to  
21 tell you, it isn't as strong as some of the other distinct recollections I don't have. I'm just  
22 not sure if Bannon was part of the conversation or I discussed it with him.

23           And I would feel comfortable if I could find out if Bannon was part of that  
24 conversation, in which case I'd have no hesitation telling you what it is. I do -- I mean,  
25 I'm not telling you I have no recollection.



1           Q    Have you told anybody outside of your legal team or the President about his  
2 meetings, meaning the President's meetings with the Vice President in the days leading  
3 up to January the 6th?

4           A    Not specifically.

5           Q    You don't recall having told anybody about them?

6           A    As meetings?

7           Q    Correct. What you learned about the meetings between the President and  
8 the Vice President on the 4th and 5th of January.

9           A    I mean, I do recall telling people that the President didn't tell them about the  
10 meetings but that the President was very disappointed with the Vice President.

11          Q    Okay. So tell us about that.

12          A    I just discussed that this morning because of his support of Kemp. But I  
13 don't remember specifically saying that it comes out of -- I don't remember it the way  
14 you're asking me, that it comes out of those two meetings. And, of course, it's been  
15 widely reported now that he was very upset with Pence.

16          Q    Is that your recollection as well, based on your experience in January of  
17 2021?

18          A    Without referring to that particular conversation, I can tell you, without  
19 reference to my position as attorney and client, I am aware of the fact that the President  
20 was upset with the way Pence acted. He's made public comments about that, pretty  
21 fulsome.

22          Q    And is it your understanding that the President was upset with the Vice  
23 President because he, the Vice President, wasn't going to take certain actions on January  
24 6th during the joint session of Congress?

25          A    Yes. But now I'll talk to you about general conversation and not that

1 specific call.

2 The President's view, which has been expressed publicly, which I agree with, is  
3 that Pence had a valid legal argument that could be made, not to make the decision  
4 necessarily but to give the States 7 more days to be certain that the vote was accurate,  
5 and that he could have done that, and that it would have been -- of course he would have  
6 been demonized by the Washington press and the Democratic Party and the mass  
7 media -- but that there was a solid body of legal opinion that would allow you to do that,  
8 particularly since the act they were operating under was of very questionable  
9 constitutionality. And there was nothing that said he couldn't do it.

10 So you're in an open area where he could have asserted that power. There's  
11 nothing that prohibits it. There is a lot of law review and legal scholar authority for the  
12 fact that this law is unconstitutional. It seems to me it is, I won't go into all the details of  
13 it, because of the way it completely destroys separation of powers, both within the  
14 Federal Government and between the States and the Federal Government.

15 But, in any event, there was a legal basis on which he could do it. The President  
16 believes that. The President was told that by lawyers. And he's not a lawyer. And  
17 I'm a lawyer, but that's not my area of expertise. I was told that by lawyers, and it  
18 seems like a rational legal argument, particularly when you consider that a lawyer makes  
19 arguments in the light most favorable to their client.

20 So I know the President has expressed numerous times his disappointment in  
21 Pence. He may have just done it a few days ago, that I read.

22 Q And I understand we already talked about kind of the role of State  
23 legislatures and their authority to adopt or not adopt certain electoral slates.

24 But do you remember participating in a call on January the 2nd with Phill Kline,  
25 the President, Peter Navarro, John Eastman, and reportedly up to 300 State legislators?

1           A    I do recall a conversation like that, yes.   It was an audio -- audio -- audio  
2    thing.   And I made a presentation at that and listened to some of it, probably not most  
3    of it.

4           Q    What was the purpose of that call on January 2nd?

5           A    To present our legal arguments to them that were being completely  
6    mischaracterized in the press.

7           Q    Was there a goal, an outcome that you thought could come of it?

8           A    Obviously, the goal and the outcome was to seek more time to see if the  
9    allegations of voter fraud that we had in abundance would be accepted and would be  
10   analyzed.

11          Q    And what did you think the State legislators on the call could do to make  
12   that more time happen?

13          A    State legislators could -- they could -- well, in two cases, Kemp and Ducey,  
14   refused to call the legislatures back into session.   So the legislature never got a chance  
15   to act.   They were cut off by those two governors.

16                The purpose was to see if they could get a session and have a vote.   And,  
17   basically, the vote would be to analyze more carefully the evidence that either was  
18   presented or the additional evidence that hadn't been presented.

19                In the case of Georgia, the hearings were quite full and they didn't need much  
20   more.   But some of the others didn't have all of the evidence.

21          Q    Do you remember what President Trump told the group of legislators on  
22   that date, January 2nd?

23          A    All I can tell you is whatever he told them he was probably saying publicly as  
24   well.   I don't remember what he said, but it was not terribly inconsistent.   He generally  
25   isn't terribly inconsistent between what he says privately and what he says publicly.

1           Nothing about it comes to mind right now that was odd or unusual. As his  
2 lawyer, I usually listen for whether he says something that could be a problem. I don't  
3 remember it being terribly different than what he was saying generally.

4           Q    Let me see if this refreshes your recollection. It's been reported that he  
5 said something along the lines of, quote, "You are the real power. The most important  
6 people are you. You're more important than anything because the courts keep referring  
7 to you, and you're the ones that are going to make the decision."

8           Does that refresh your recollection as to what Mr. Trump said on the call with  
9 State legislators?

10          A    I don't remember those exact words, but that would be the sum or  
11 substance of what he had been saying and what he believed, based on what we talked  
12 about, the interpretation of the Constitution, that the ultimate decision-maker is the  
13 State legislature.

14          [REDACTED] I'll stop there and see if anybody has any questions, starting with  
15 the members who may be participating.

16          Okay. Bear with me just a moment, Mr. Giuliani.

17          The Witness. Sure.

18          BY [REDACTED]

19          Q    Are you familiar with a person named Jeffrey Clark, a DOJ official or former  
20 DOJ official?

21          A    Yes. Not well, but yes.

22          Q    How do you know him?

23          A    I know who he is. I'm not sure I know how I know him. I know him. I  
24 can't remember anything I did with him or we did together or -- but I know the name and  
25 I know he was a White House official and he's in the newspapers quite a bit.

1           Q    Do you remember being in any meetings with Mr. Clark after the November  
2   2020 Presidential election?

3           A    I don't remember him as being a distinct person in the meeting.   There  
4   were some meetings that I had where there were people from the White House Counsel's  
5   Office that I didn't know.   Was he in the White House Counsel's Office?

6           Q    So Mr. Clark, the one I'm referring to, his name is Jeffrey Bossert Clark.   He  
7   was a DOJ official whom the President, it's been publicly reported, considered appointing  
8   as Attorney General towards the end of his administration.

9           A    Oh, yes, now I know who you're talking about.   Actually, I'm not sure I met  
10   him.   Now, was I -- I mean, met him in the sense of got to know him.

11           Was he ever at a meeting with me?   I mean, I was at a meeting with everybody  
12   at one time or another.   But I don't remember a distinct interchange with him of any  
13   kind.

14           Q    Do you remember any discussions that you may have had about the need to  
15   change leadership at the Department of Justice in the post-election period?

16           A    I would say that was attorney-client privileged, if we're talking about  
17   discussions with the President.

18           Q    Do you remember any discussions you had with Scott -- Representative Scott  
19   Perry -- about the Department of Justice and leadership at the Department of Justice?

20           A    Scott Perry?   Scott Perry.   I can't say I have a distinct recollection of what I  
21   talked to Congressman Perry about.

22           Q    Do you remember ever suggesting that the Department of Justice issue a  
23   letter to States to have them -- have legislatures call themselves back into session and  
24   address issues related to the election?

25           A    Well, that would be attorney-client privileged.

1           Q    Is that because it would implicate a communication that you had with your  
2 client, the President?

3           A    Oh, most certainly.

4           Q    On January the 3rd, there was a meeting in the White House where Jeffrey  
5 Clark, the DOJ official, was present, along with Richard Donoghue and then Acting  
6 Attorney General Jeff Rosen, and the President considered installing Mr. Clark as Attorney  
7 General.   Are you aware of that meeting?

8           A    Well, first, I wasn't at that meeting.

9           Mr. Costello.   That would be privileged if he told you about it.

10          The Witness.   If I had learned of it, I would have learned of it from him, and that  
11 would be privileged.

1

2

BY [REDACTED]

3

Q "Him" being the President?

4

A Yeah. But I have to tell you, I don't have a distinct recollection of that -- of

5

a meeting like that. And I certainly -- I know I -- I'm pretty certain I wasn't at it.

6

Q Do you remember ever recommending to anybody that Mr. Clark, meaning

7

Jeffrey Clark at DOJ, be given election-related responsibilities?

8

A You mean beyond the President?

9

Q Correct.

10

A Well, beyond the President, I do recall saying to people that somebody

11

should be put in charge of the Justice Department who isn't frightened of what's going to

12

be done to their reputation, because the Justice Department was filled with people like

13

that.

14

Did I mention Mr. Clark? I didn't know Mr. Clark that well, so somebody else

15

may have mentioned him to me. I would not have been the one. I wouldn't have been

16

in a position to recommend Mr. Clark. I didn't know him that well.

17

But others might have said, he's a good -- there were -- others may have said he'd

18

be a good alternative or he'd be a good person to be in charge because he's

19

not intimidated by the press.

20

Q Do you remember others --

21

A Or intimidated by what was then, gosh almighty, like an inquisition-like

22

atmosphere.

23

Lawyers -- I couldn't get lawyers to represent us who believed in Trump because

24

they'd be thrown out of their law firms. I had one leave on me where I had to argue -- I

25

had to learn the case over -- the one in Pennsylvania. I was never going to argue that

1 case. The guy who was going to argue it was going to get fired by his law firm. I had to  
2 take it over and learn it in one night.

3 Q Do you remember anybody who did raise Mr. Clark, Jeffrey Clark's name as  
4 somebody in the Department?

5 A I do remember -- no, I don't remember who did it, but I do remember he was  
6 one of the people that was suggested for handling the investigation, but there were  
7 several other names that I can't remember.

8 Q And you don't remember who raised Mr. Clark's name?

9 A Somebody who knew him a lot better than I did.

10 Q Do you remember the setting in which it came up?

11 A The only reason I'm telling you about this, I have a recollection of it coming  
12 about in settings other than with the President there.

13 Q Okay.

14 A Meaning among just people talking.

15 Q Well, just tell us about what you remember.

16 A We describe it as bull, you know.

17 I just remember somebody saying he would be a good choice. I don't remember  
18 who that is, but -- and then several other names were recommended that escape me  
19 now. But I don't remember any action ever taken on it.

20 Q Set the scene for me. Was this a meeting among your team? Was this at  
21 a bar, over drinks? What was it?

22 A I tried to stay out of bars in those days, because you'd get too many  
23 questions, even though I have nothing against bars. My father owned a bar.

24 It would have been just maybe discussions with my staff, maybe discussions with  
25 lawyers that were coming in to give us information. I mean, we all had -- the people on



1 our side all had real distrust in the Justice Department for many reasons.

2 And my experience with them had -- and I'm a veteran of the Justice  
3 Department -- my experience with them was extremely disappointing in the way in which  
4 they treated Mr. Manafort, as if he were a terrorist, guilty or not guilty.

5 Q And did you think there needed to be a change in leadership because of  
6 election-related issues?

7 A Oh, no, no, no, not just because of that. I thought -- I think the Justice  
8 Department went south a long time ago. And I gave them information on which you  
9 probably could have brought a RICO case against President Biden in 6 weeks, and they  
10 refused to even talk to any of the witnesses.

11 All those things you see in "2000 Mules," I gave them information about that. I  
12 gave them documentary proof of bribes beyond the ones that you even know about, and  
13 then also information about the vast amount of money that the Vice President was  
14 getting from China and with an acknowledgement by his son that 50 percent of it went to  
15 the Vice President when he was the sitting Vice President.

16 Q I don't want to get into --

17 A I also gave them pictures that are technically child pornography in Hunter  
18 Biden's hard drive, as well as --

19 Q So, Mr. Giuliani, I think that's --

20 A I'm sorry, I'm going to finish.

21 As well as a one-page provable \$3.4 million wire transfer that was money  
22 laundered, as determined by the Latvian Government and covered up by the U.S. for 2  
23 years.

24 In addition to that, I have -- by that time, I had the hard drive which showed that  
25 the President was lying over and over and over again about not knowing about his son's

1 finances when he was involved in meetings, texting about it. He was told that his  
2 grandchildren were in danger because of his son's activity and did nothing about it. I  
3 have a vast amount of information.

4 Plus, I was extremely upset that the Justice Department sat on the hard drive  
5 during the impeachment, because the hard drive would have given concrete evidence  
6 that when the President spoke to President Zelenskyy he had every reason to ask for an  
7 investigation, because the hard drive proves that a crime was committed at the highest  
8 levels of both governments. It proves it with video, it proves it with confessions, it  
9 proves it with witnesses, and it proves it with texts.

10 And I thought it was intolerable that the Justice Department and the FBI held that  
11 hard drive back and let the President get impeached. It would be like Brady -- are you  
12 all former prosecutors or --

13 Q Yeah.

14 A It would be like Brady material. Here we are litigating this damn thing  
15 about Russian collusion and then the conversation with Zelenskyy, and the hard drive  
16 would actually prove that if the President didn't have that conversation with Zelenskyy he  
17 would have violated his obligation to take care that the laws of the United States be  
18 faithfully executed, because --

19 Q Mr. Giuliani --

20 A -- because it gives substantial evidence, way beyond substantial evidence,  
21 that the Vice President was engaged in a massive bribe in the Ukraine, way beyond just  
22 his son, involving Mykola Zlochevsky and Poroshenko.

23 Q I want to be respectful of your time, and Mr. Costello's time as well, and I  
24 understand you want to put some of this on the record. But I do want to focus the  
25 questions here.

1           You mentioned --

2           A     That's what I've been doing for 4 years, yeah.

3           Q     You mentioned that you -- a couple times that you didn't know Mr. Jeffrey  
4 Clark that well. Had you met Mr. Clark, Jeffrey Clark?

5           A     Probably.

6           Q     Do you remember when?

7           A     If you showed me a picture of him now, I'm not sure I could pick him out.

8           Q     Okay. When do you think you remember meeting him? Was it after the  
9 election?

10          A     I don't -- I don't -- I find it inconceivable that somehow or other I didn't meet  
11 him in all the different interchanges that go on in Washington, but I don't remember  
12 meeting him.

13          Q     You don't remember meeting him. Okay.

14          A     I'm pretty sure I did, but I don't remember it.

15          [REDACTED] Okay. At this point, I'll see if anybody else has any questions.

16          [REDACTED] Mr. Giuliani, did you in the post-election period, so November  
17 3rd, 2020, through January 2021, did you ever reach out to anyone at the Department of  
18 Justice to seek assistance in investigating claims of election fraud?

19          Mr. Costello. Can you repeat that question again, please?

20          [REDACTED] Sure.

21          In the post-election period, did you reach out to anyone at the Department of  
22 Justice to seek assistance in investigating claims of election fraud?

23          The Witness. That would be privileged. Whether I did or I didn't do it -- this is  
24 not an acknowledgement that I did, but if I did do it I would have done it at the request of  
25 my client. So I'd have to assert the attorney-client privilege.

1 [REDACTED] Do you know whether anyone on your team reached out to the  
2 Department of Justice to seek assistance in investigating claims of election fraud?

3 The Witness. The same answer. They were also attorneys for the President.

4

BY [REDACTED]

5 Q Mr. Giuliani, it's 10 minutes till 2. Your lawyer had asked for a break at  
6 2:30. Are you okay powering through to 2:30?

7 A I'm okay until 2:30. A little, teeny bit early might help me a little, but that's  
8 okay.

9 Q Okay, because I'm going to switch to a new topic.

10 I want to talk to you about some of the election fraud claims or issues that you  
11 looked into, and I want to ask first about voting machines.

12 It seemed that in many of your public statements you talked about the need to  
13 examine voting machines. Was that a priority for you from early on in your investigative  
14 work, your post-election investigative work?

15 A I would call it secondary or tertiary.

16 Q What would you consider the primary issue that you had in that timeframe?

17 A The counting of the paper ballots.

18 Q And by -- what was the issue? What was the most compelling issue that  
19 you had identified with respect to the counting of paper ballots?

20 A The fact that there was a uniform plan throughout the country to exclude  
21 Republicans from examining them as they normally do with absentee ballots.

22 A long time ago I was a poll watcher for the Democrat Party and I participated in  
23 things like that. I remember the 2000 election with the chads.

24 And, invariably, when you have a paper ballot, which is much harder to identify  
25 than an in-person ballot, which is why they're not favored, you have a representative of

1 at least the main candidates, some States all candidates, look at the ballot and determine  
2 whether the signature on the ballot or on the envelope sending in the ballot matches the  
3 signature that's put in front of them now in the computer. It's the only way to validate  
4 such a ballot. It's the only way to --

5 Q So --

6 A Please let me finish.

7 It's the only way to validate it. By excluding uniformly the ability to do that for  
8 Republicans, it said to me that there's a fraud going on here, and let me tell you why.

9 Because I got notified on the morning of the -- what was the day of the election,  
10 the 3rd? -- on the morning of the 4th or the day of the 4th that exactly the same thing  
11 was being done in five different jurisdictions.

12 They all had gotten fences. They all had put up fences. And they all uniformly  
13 excluded Republicans. It was done in Philadelphia. It was done in Pittsburgh. It was  
14 done in Detroit. It was done in Milwaukee. And it was done in Atlanta, Georgia, where  
15 they were put in a pen that was a football field away from the counting of the ballots.  
16 And with very few exceptions, Republicans could not look at the paper.

17 It was inconceivable to me that the Democratic leaders in those five jurisdictions  
18 woke up that morning with the same idea -- oh, we're going to get pens, we're going to  
19 put Republicans in those pens like they're cows, and we're not going to let them see a  
20 damn ballot even if there's a court order -- which is what happened in Philadelphia. And  
21 then, of course, there was the video in Atlanta.

22 There's no question that the Democrats were going to fight to the death to make  
23 sure that a Republican never got to see any of that paper. And since it happened in five  
24 places, and since I then recall that the night before the election vote was stopped in those  
25 five jurisdictions at the same time, it said to me somebody's orchestrating this.

1           This doesn't happen accidentally. Five Democratic leaders don't wake up in the  
2 morning and say, you know, this year for the first time I'm not going to let any Republican  
3 look at any ballot and I'm going to stick him behind a fence a football field away and I'm  
4 going to stick him in there like he's a cow and we're going to keep him out of getting  
5 anywhere near those paper ballots.

6           To me, that said, whatever the reason for that, it was orchestrated, just like the  
7 closing down of the vote was orchestrated the night before suspiciously in places where  
8 Trump was ahead and starting to get way ahead.

9           I was convinced by the time the 4th was over that there was a national effort here  
10 to do that. And I didn't know then about the Zuckerberg boxes and the thousands and  
11 thousands and thousands of ballots that were deposited by mules in the Zuckerberg  
12 boxes, which was a concerted effort, because it was done the same way in each  
13 jurisdiction.

14           That just doesn't happen. One coincidence, fine. Two, three, four, five, then a  
15 career prosecutor begins to believe people are in communication and they had a plan  
16 here. And it was obvious what the plan was, because no matter what we did they would  
17 never let us examine forensically the pieces of paper.

18           So I believe the election was stolen based on the mail-in ballots. I think the  
19 machine allegations, I was presented proof that the machines operate in a way that is  
20 very suspicious.

21           I go back to a documentary in 2017, "Fire" something or other, in which  
22 Democrats like Klobuchar and Warren are complaining about Dominion and E&S being  
23 very, very faulty machines that can easily be hacked. Nobody bothers to watch that.  
24 That was warning us not to use the Dominion machine and the E&S machine because  
25 they can be so easily hacked.

1 I remember the report from Antrim County in which it was clear that the vote was  
2 switched from Trump to Biden. They called it human error. No one ever explained  
3 what the human error was.

4 Q I'm going to give you a chance, Mr. Giuliani. We're going to talk about all of  
5 that. We're going to talk about all of those allegations.

6 A But then it was demonstrated that you could change the vote in the machine  
7 and that the machine was accessible to the internet, which the owner of Dominion  
8 testified under oath that you could not access the machine by the internet and you could  
9 not change the vote. His own manual tells you how to do it.

10 Q Okay. I want you to hold that thought.

11 A That was just straight-out perjury ignored by the Democratic majority in the  
12 Michigan Legislature. He said you cannot access it by internet. The manual shows you  
13 how to do it, and there are pictures of it being accessed by the internet, and there's  
14 internet traffic, enormous amount of internet traffic coming out of those machines, which  
15 is technically completely uncontrovertible.

16 Q Mr. Giuliani, I want you to hold that thought, because we're going to get to  
17 that.

18 A There were big problems with the machines, but I do not think the machines  
19 stole the election. I think the paper ballots stole the election.

20 Q And I'll note that Mr. Raskin has joined us.

21 The question that you were answering, and I think you answered it, was that the --

22 A I did?

23 Q -- the primary concern that you had was not the machines, it was the paper  
24 ballots.

25 A Right. That's correct. I mean, if --

1           Q    And when you talked about the paper ballots you said, as I understand your  
2 answer, you were most concerned about the fact that observers were not allowed access  
3 to the counting in numerous jurisdictions, and you think it all happened simultaneously in  
4 the same way.

5           Is that -- have I characterized your answer correctly?

6           A    Yes.   And numerous jurisdictions.   Actually, not numerous jurisdictions.  
7 Very well-selected jurisdictions that were Democrat sinecures.

8           Q    Okay.

9           A    Meaning 80, 90 percent of the vote, every judge appointed by a Democrat,  
10 cities with a long history of corruption.

11          Q    So am I correct that --

12          A    Every other mayor goes to jail, voter fraud allegations of all kinds in the past.

13          Q    Sir, sir --

14          A    I'd like to call them -- let's call them cities that are well-known for being  
15 corrupt.

16          Q    Okay.   And your concern was the lack of access to -- by observers -- to the  
17 counting of the ballots.

18               What was the most compelling evidence that you came across that, in fact, votes  
19 were changed, switched, fake ballots were included, or inappropriate ballots were  
20 counted, other than the circumstances that you've described with people in pens and so  
21 forth that you --

22          A    Every ballot not observed is an inappropriate ballot.

23          Q    Okay.   And is that the most compelling evidence that you came across?

24          A    No.   The most compelling evidence were the witnesses who told me they  
25 were trained in how to steal votes, or the ones who told me the evidence about using



1 motor vehicle records to create registered voters so that you could match them with  
2 ballots that really had no voters that were being done in large, large numbers. Many of  
3 those ballots --

4 Q Which jurisdiction is that?

5 A Many of those ballots suspiciously only voted for Biden. Many of those  
6 ballots were observed not to have been folded.

7 So the people who were observing -- Mr. Mercer probably has the best records,  
8 because he's a very, very fine lawyer. But not only did he observe six to seven hundred  
9 thousand ballots, he and his team -- which were entered without a single Republican  
10 getting a chance to look at the ballot just to match the signature, much less look at the  
11 paper -- he and his colleagues saw ballots that were being entered without anybody  
12 checking the signature.

13 Q Where is Mr. Mercer, which State is that, sir?

14 A He's in the State of Pennsylvania.

15 Q Okay.

16 A He was offered as a witness and not allowed to testify. And he has three  
17 other people who can corroborate what he's saying and he has a log of it.

18 Meanwhile, at the same time, there are similar witnesses of the same thing  
19 happening in Pittsburgh. Pittsburgh also had -- this is totally uncontroverted -- 7,000  
20 people that showed up to vote on election day who had already voted.

21 In Michigan, we had a woman explain to us how they showed you how to take the  
22 phony registrations and put them together.

1

2 [2:00 p.m.]

3

BY [REDACTED]

4

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Mr. Costello. By who?

10

BY [REDACTED]

11

12

13

14

Q I will give you an example. For example, State legislators, you had sympathetic State legislators in various States around the country saying, Mayor, tell us what the best proof you have is of election fraud. Did you ever get asked that question by a state legislator?

15

16

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23

A Not -- not -- not in that particular way. Most -- most -- most of the State legislators that we appeared before, the vast majority of reps voted in favor of us. The -- the only ones against us were the -- the leadership in Atlanta very much determined by Governor Kemp and Raffensperger who was concealing a very, very damaging report about the crooked election in Atlanta, concealing the seventh day after the election. And -- and in -- and in -- in Arizona, when -- when the legislature refused to hear the case, Arizona held demonstrations among grassroots Republicans. I had nothing to do with them. At the legislature was largely -- the legislature was largely on our -- the Republican -- largely on our side.

24

25

Q Did you ever have any State legislator, for example, from Michigan, say to you, Mr. Mayor, what's the best, most compelling evidence that you have of election

1 fraud?

2 A Well, if he did, I would have said it would have been the -- the -- the paper  
3 ballots that have not been examined properly, should be turned over. In fact, in Atlanta,  
4 we had made an arrangement to get paper ballots to be analyzed. And the day we got  
5 there, the sheriff locked up the -- the office, and we couldn't get the ballots. They  
6 wouldn't -- I -- I challenged them, if your paper ballots are valid, why won't you let us  
7 examine them?

8 Q Right. And so the access -- the fact of observers weren't allowed to view  
9 the counting and you were not provided access, you consider that compelling evidence  
10 that there was fraud?

11 A Not just me. Not just me being allowed access, anyone being allowed  
12 access. If the allegation is made by numerous people that they never voted, and a vote  
13 was cast for them -- I can't remember the numbers in every jurisdiction, I remember  
14 Pittsburgh being 7,000 -- you have to be a fool not to think that somebody voted for  
15 them, stealing their registration. That would be reflected in a paper ballot that was of a  
16 different quality than the official ballots that were sent out by the State. And we could  
17 have determined that very, very easily. They knew that.

18 Q Let me ask you --

19 A They held it back.

20 Q Let me ask you a specific -- another specific example. You were on Steve  
21 Bannon's podcast on December 19th, so that was -- that was pretty far along into your  
22 sort of investigation with respect to the election fraud claims. And you and Mr. Bannon  
23 were talking at length about State legislatures not doing what they needed to do, and the  
24 governors in those States, you know, not allowing hearings to move more. Do you  
25 remember generally that discussion or that type of discussion you had with Mr. Bannon?

1           A    I mean, I don't remember that specific discussion, no.

2           Q    Well, Mr. Bannon -- you said to Mr. Bannon in that discussion, If we could  
3 get a hearing, and this was I think your -- the podcast was on a Friday the 19th. And you  
4 said, If we could get a hearing, we'd have this thing wrapped up by Monday. And Mr.  
5 Bannon said to you, of course, someone sympathetic to the cause, right? He was,  
6 working to try and achieve an outcome for President Trump. Would you agree with  
7 that?

8           A    I do.

9           Q    And you said to you, what would you present, Mr. Mayor? What would  
10 you present? What's the best thing you've got, if you got that hearing? And you said,  
11 we'd have to look at the machines. Do you remember having that discussion with Mr.  
12 Bannon?

13          A    I don't. If I did, that reflected my view at the time, not my overall view.  
14 That might have been right after I got the Antrim County report, which showed that the  
15 votes had been changed. And that also, very similar to the paper ballots, Dominion  
16 would never allow us to examine the machine. And the fact that they wouldn't allow us  
17 to examine the machine said to me they are not confident in their machines.

18          Q    All right.

19          A    Because, if it was -- if it was my machine and it was a nice valid machine and  
20 you couldn't change the vote, and you couldn't accessibly internet, I'd let you see it. But  
21 since I had their manual, and I had pictures of the machine.

22                Then we also had a woman in Georgia, I forget the -- in the rural county in Georgia  
23 who did a demonstration of exactly how you can fix the vote in the machine. So  
24 that -- that may have come about just at about the time that I got that information.

25          Q    Yeah.

1           A    By and large, that did not reflect my overall view. I also -- I also thought  
2   maybe even more important than the paper ballots were the totally illegal votes.  
3   People who lived in another State, people when had changed addresses, people who  
4   were under the age of 18, dead people.

5           Now dead people in the big States didn't matter that much because the vote was  
6   too much. But in a State where a 10,000-vote margin and you have got 8,000 dead  
7   people voting, that's a pretty large number of dead people. It also indicates that you  
8   have a very irresponsible voting system. So it's very -- I mean, it's very hard to say  
9   what's the most important and most compelling piece of evidence.

10          The reason why the mail -- the mail-in ballots and the counting of them probably  
11   works easier is because, like, in Pennsylvania, it gives you the big number. The others  
12   you've got to add them, you can get there, but you've got to add them up.

13          Q    So --

14          A    So you have 4,000 ballots in Arizona that were cast by people who live in  
15   California. You have 2,000 ballots in Arizona that were cast by people who already  
16   indicated their desire to leave. So that becomes 6,000. You've got 4- or 5,000 dead  
17   people who voted in Arizona. Now you're at 10,000 or 12,000.

18          Then -- then you get underage people voting in Arizona. They only had about  
19   8,000 or 10,000. Now you're over the margin. So it would be unfair to say is there one  
20   thing that does it. If you want to do it the easy way, you do the paper ballots. If you  
21   want to do it the hard way, you go through each one of those things. I wish I had 2000  
22   Mules, because that does it dispositively.

23          Q    So --

24          A    It shows -- that shows exactly the track of your cell phone. It has video.  
25   There hasn't been a single technological dispute.

1 Q Well, I don't know if that's true.

2 A No. That's absolutely true.

3 Q It's not true.

4 A No one has gone -- people make general statements about it which always  
5 happens. It was debunked, it's not the right technology. Nobody has gone out and  
6 tried to retrace what they did and said it was wrong because they are going to find out it  
7 wasn't.

8 Q Okay. Now -- now I'm going back to the time that you were doing your  
9 investigation. I -- I will just, to sort of finish the thread on that, Mr. -- on the Bannon  
10 podcast, you were asked a couple of times what your best evidence was and you said look  
11 at the machines. And you are correct, this did come out around the time shortly after  
12 the Antrim County assessment. And then Mr. Bannon pushed you and said, besides the  
13 machines, besides the machines, what else have you got? What's the best evidence you  
14 would put forward in Georgia. And you -- you mentioned the videotape of the State  
15 Farm Arena, right?

16 A Yes.

17 Q Would you say that's one of your top, most compelling pieces of evidence,  
18 not just an allegation but --

19 A Oh, my goodness, yeah. And completely -- completely falsely described by  
20 the corrupt media and the corrupt party in Georgia. First of all, they contended that I  
21 doctored it. Number one, I never saw it until I was in court. I didn't get that.

22 Q What do you mean you never saw it? What do you mean you never saw it?

23 A I saw it for the first time when the public saw it.

24 Q And when you're say "it," are you referring to the video that was --

25 A The entire video.

1 Q -- provided by the Trump campaign?

2 A The entire video that the Biden campaign accused me of doctoring, I didn't  
3 obtain.

4 Q Did you watch -- did you watch the entire video that the part -- or just the  
5 part that was produced or published by the Trump campaign, or the entire surveillance  
6 tape from that night at the State Farm Arena?

7 A Both.

8 Q Okay.

9 A But at different times.

10 Q Okay. When did you see the longer version -- first see the longer version of  
11 that tape?

12 A After I saw the shorter version.

13 Q After you testified in Georgia?

14 A Well -- I did not know about it. I didn't ask for it, I didn't order it, I didn't  
15 know about it. When I arrived in court -- court -- when I arrived in the legislature that  
16 morning to present expert testimony about -- about the underage voters, the 62,000 or  
17 68,000, the dead people, whatever, I was told by our lawyer, the lawyer that represented,  
18 I've got a big surprise for you. I said, I don't like surprises. What is it? He said, you're  
19 going to love this surprise, this is the video from the Sports Arena that they didn't know  
20 was on while they were cheating.

21 So he had a -- he had his expert present it, and it showed that at a certain time at  
22 night, they decided they were going to stop the vote. Rumor had been it was because of  
23 a water main break that never occurred. That water main break actually happened at  
24 10:30 in the morning. And I don't know where that rumor started. But two women  
25 went up to the observers, who, by the way, really were useless because they were, I

1 would say, two football fields away from where the ballots were being counted. They  
2 couldn't see a damn thing. And you can see that on the video. They were ushered out.

3 Under the law in -- the laws are different in every State, the votes have to be  
4 counted in public, and the public has to be allowed to see the ballots if they want to.  
5 Very strange law. None of that -- none of that had happened all day. So you could  
6 argue that that every one of the votes was invalid.

7 But, in any event, now they were going it to do something special. So they usher  
8 out all of the people in the pen, including the Republicans who were in the pen, and the  
9 press. They then closed all the doors and you see the two women case the place.  
10 They go around and they make sure there's nobody there. You can see that. As soon  
11 as that is done, they pull out ballots from under a table that was covered by a blanket.  
12 And they very, very quickly hand them out to the four or five people that remained  
13 behind having told everyone there would be no counting of ballots. They then count  
14 the ballots.

15 If you watch it carefully, you can see them occasionally entering ballots three and  
16 four times. You can see them never, ever checking a signature. And if you look at the  
17 vote during that period of time, I've forgotten the exact numbers, the vote during that  
18 period of time was something like 97 percent Biden and 3 percent Trump. You can also  
19 see them occasionally tearing up ballots. So I saw that. And then I was shown the two  
20 women, I forget their names, I was shown a video of them earlier in the day passing out,  
21 not hard drives, what do you call those things that program.

22 Mr. Costello. Thumb drives.

23 The Witness. Thumb drives that were commonly used by Dominion to change  
24 the vote in the machines. I saw video of them passing it to each other very  
25 surreptitiously.



1           Then allegations -- then there was investigated by the Attorney General, who was  
2           the same Attorney General at the time that he investigated that had a -- that had a  
3           58-page report, in which all kinds of election fraud was alleged. And he was proclaiming  
4           that it was a perfect election. He's now investigating, by the way, those allegations.  
5           But he knew them 7 days after the election.

6

BY

7           Q     So Mr. Giuliani, you're describing a videotape that you saw. Are you saying  
8           that that -- you still believe that's the most compelling evidence that you saw of election  
9           fraud in Georgia?

10          A     I don't know why I have to tell you what's the most compelling evidence.  
11          It's all together. Here's what's compelling.

12          Q     Okay.

13          A     There's so much evidence. I mean, there are a 1,000, literally a 1,000  
14          witnesses -- I'm exaggerating. There are literally 600 witnesses that would be willing to  
15          come forward and testify anywhere, anyplace that fraud took place. They come from  
16          four or five different States. They are American citizens. They are people who have  
17          lost their jobs, people who have been threatened when it became public. They are  
18          people who went to their priest and asked should they confess this, and they were told  
19          yes, they should. These -- I'm representing them, not me. I only saw one -- I only saw  
20          fraud in one place. I'm only a witness to some fraud in Pennsylvania, because when I  
21          got there I was able to physically observe how far away the Republicans were placed.

22          Q     Okay. With respect to the --

23          A     -- and how a court order wasn't followed for 2 hours. They were so  
24          desperate to make sure the Republicans would not see paper ballots. Now, you can  
25          believe me or not believe me, but here's what I find offensive that you question my good

1 faith.

2 Q Sir, I'm just asking you what --

3 A No, no, I don't mean you. I'm sorry, excuse me, you have actually been  
4 gentlemanly and very professional and I thank you. I'm talking about in general, my  
5 point of view, is not allowed to be expressed in America without tremendous  
6 condemnation, being disbarred. I am suspended from the New York Bar for being a  
7 danger to the public. I have already been exonerated of having any effect on the  
8 January 6th by a Federal judge who was appointed by President Obama. I have been  
9 exonerated of that charge. I've been speaking out about this for 2 years, and nobody  
10 has done anything violent, bad, terrible or awful. I am hardly --

11 Q Are you including January 6th, sir?

12 A Excuse me?

13 Q Are you including January 6th in terms of nobody doing anything violent, or  
14 terrible, or awful?

15 A I was -- I was found by a Federal judge to have had no effect on that.

16 Q Well. Okay. I won't quarrel with you on that.

17 A Why would you quarrel with me? Do you want me to read the opinion?

18 Q No. I read the opinion. I have read the opinion in terms of the judge's  
19 finding and your liability on that case, but I just wanted to make sure we're clear. You  
20 didn't think that what happened on January 6th didn't qualify as violent, or terrible, or  
21 horrible?

22 A Not caused by me.

23 Q Okay.

24 A Do I think -- do I think what happened on January 6th was horrible? Yes.  
25 Do I think the hysteria and exaggeration and your failure to investigate the murder of

1 Ashli Babbitt is just as horrible? You're damn right I do. I know homicides. I  
2 prosecuted more than probably your age. That woman never had to be killed. There  
3 was no reason to shoot her. She didn't have a gun. She didn't threaten anybody.  
4 There were three cops in back of her that could have pulled her down. There were  
5 three cops in front of her that could have pulled her down. She could have been  
6 handcuffed. And before she was lifted up, the word gun was used two times and  
7 everybody else ran away. And they stuck her up and she was shot for no reason, an  
8 unarmed woman, a veteran with a perfect record, unarmed, 5 foot 2, shot when there  
9 were numerous cops around that could have restrained her.

10 And if they didn't want her to go over the top, the cops right in back of her who  
11 abandoned their position to allow the antifa guy to bang the door down. The cops right  
12 in back of her, who were both 6' 2", could have pulled her down rather than blow her  
13 away.

14 Q Sir, are you --

15 A I think January 6th is very complicated. I think the right-wing people who  
16 did that, if they did bad things they should be prosecuted. Do I think they should be  
17 held in prison for 16 months, 18 months without a trial? Yeah. If this is a Soviet Union.  
18 When I watch -- when I watch -- when I watch people who rape people get released all  
19 over Democrat America. So I'm -- I'm upset about what I see. I have a right to that  
20 opinion in America.

21 Q And we're trying -- what I'm trying to get today is a full understanding on the  
22 record of your -- what you -- what the evidence was that you found most compelling for  
23 you to be making claims for 9 or 10 weeks about the election being stolen?

24 A I've told you what I -- what I --

25 Q And that is all I'm trying --

1           A    And most -- and most -- and most compelling changes, most compelling  
2 changes with who you talked to that day or there's numerous -- we put out a chart for  
3 each State. I have it here somewhere. Actually, you have it, you sent it to me.

4           Q    I've seen several charts like that, yes.

5           A    And they change with time, because numbers change. And also a lot of it is  
6 based on just the absentee votes because we would never get records of the actual  
7 voters. So I see charts with -- if you had asked me in Georgia, maybe I changed my mind  
8 and say that the 60,000 underage people who voted --

9           Q    Okay. I want to -- in the short time --

10          A    And now I would say the stuffing of the Zuckerberg boxes is dispositive, but I  
11 didn't know about it then.

12          Q    Okay. Yeah, I can only focus on what you knew sort of back in -- in late  
13 2020 and very early 2021. And we were talking about being asked, or I was raising the  
14 question of being asked by folks for your best evidence. Do you remember in January,  
15 maybe it's the third or 3rd or 4th of January, Lindsey Graham asking you for, give me your  
16 best evidence of what you've got. You've been saying there's all this stuff of dead  
17 voters, what proof do you have? Give me proof of some dead voters. Do you  
18 remember that sort of exchange with Senator Graham?

19          A    I don't know if I should discuss -- I think that would be attorney-client  
20 privilege.

21          Q    Senator Graham wasn't your client, was he?

22          A    No, but that information -- in order to do that, I would have to talk to my  
23 client about it and have to discuss it with him. I would have to discuss the result of it.  
24 It would intricately involve communications with my client.

25          Q    Let's bring up exhibit 54.

1           Mr. Costello. Before you do that, I just want to note that it is 2:21.

2           [REDACTED] I'm watching the clock.

3           Mr. Costello. Thank you.

4           BY [REDACTED]

5           Q     Mr. Giuliani, do you see this exhibit 54? It is an email from Katherine Friess  
6 to you, Maria Ryan and others regarding Chairman Graham dead votes memo for your  
7 consideration. Do you see that?

8           A     First of all, this is the wrong State. The State -- the State that had the  
9 verifiable dead voters was Georgia.

10          Q     This is -- I believe this relates to Georgia.

11          A     Well, let me find Georgia. Where is it? I don't see it.

12          Q     You see in the first sentence of the email, it says, Attached, please find a  
13 memo along with the spreadsheet regarding data voters in GA, Georgia. Do you see  
14 that?

15          A     Yeah.

16          Q     Now Ms. Friess also does say in this memo, or, in this email, that the reason  
17 she's only including Georgia is because Pennsylvania numbers were not able to be verified  
18 and that she thought the Michigan numbers were also by the same outfit that had done  
19 the Pennsylvania numbers. And so, therefore, they were only -- she was proposing that  
20 only Georgia information be sent to Chairman Graham. Do you see that?

21          A     I do see that, yeah.

22          Q     Okay. So -- so do you -- does that refresh your recollection that Senator  
23 Graham was asking for information that --

24          A     Again, that's attorney-client privilege. The only place where I analyzed the  
25 dead voters was Georgia. So I would not be able to tell you the others. Some of it was

1 impossible to verify because we couldn't get the voter list.

2 Q Okay. Do you know why Ms. Friess was -- if you can go back up a little  
3 bit -- why she was copying Steve Bannon on this email?

4 A I have no idea. You have to ask her. I mean, my lawyers were so busy,  
5 many of them operated on their own so she would have to describe to you -- even with  
6 regard to attorney-client privilege, she would have to just -- you know, having sent it to  
7 Bannon, it would seem to be it's not privileged. But, in any event, I can't respond to you  
8 on the other States because I didn't analyze them. But I can tell you in Georgia, within a  
9 short period of time, after the -- after the Secretary of State who was concealing the  
10 document that demonstrated voter fraud, which he received 7 days after the election.  
11 When he announced that there were only two people dead in Georgia, we were able to  
12 come up with about 700 in 2 days.

13 Q This memo actually discusses the 790. Is that the number you're thinking  
14 of the 790 that Bryan Geels had identified?

15 A It was less than that, but go ahead.

16 Q Okay. Well, it's going to take us few minutes to work through this, so I'm  
17 going to pause right here to see if the members, I believe Mr. Aguilar and Mr. Raskin are  
18 on to see if they have any questions before we break.

19 Mr. Raskin. Yes, I do. I don't know if Pete wanted to go first.

20 Mr. Aguilar. No, I'm fine. No questions. Go ahead, Jamie.

21 Mr. Raskin. Thank you.

22 So Mayor Giuliani, you said that you were exonerated by a judge who'd been  
23 appointed by President Obama. Will you just briefly elucidate the importance of that  
24 fact?

25 The Witness. The importance of the fact is they couldn't get past the motion to

1 dismiss on the theory that I had some impact on January 6th, largely because they  
2 mischaracterized a statement of mine which was, we should have trial by combat?

3 Mr. Raskin. ] Gotcha. Gotcha. But it was --

4 The Witness. I was referring -- if you read it in context right before I said it and  
5 right after I said it I said we should take the two machines and put them next to each  
6 other and we should see which machine is correct. I was referring to the machines.  
7 The press and many of your colleagues seized on that as I was provoking the -- the judge  
8 also points out that the crowd didn't get particularly excited when I did that, and that  
9 there's no credible evidence on which to go forward against me as well as Don Jr.

10 Mr. Raskin. Okay. But I was -- I was just making a simple point that you  
11 obviously invested some significance in the fact that you view yourself as exonerated by a  
12 judge that was named by President Obama.

13 The Witness. Maybe it was Clinton?

14 Mr. Raskin. I'm sorry?

15 Mr. Costello. It was Obama.

16 The Witness. It was Obama.

17 Mr. Raskin. So what do you make of the fact that eight judges who were  
18 nominated to the Federal bench by President Trump rejected all the kinds of claims of  
19 electoral fraud and corruption that you're still discussing today?

20 The Witness. My feeling is they didn't want to get involved. They didn't want  
21 to get involved. They didn't think it was a proper thing for the court to be involved.

22 Mr. Raskin. So did --

23 The Witness. And completely, so they did not want to get involved. And the  
24 press was so unrelentingly unfair and dishonest.

25 Mr. Raskin. Well --

1           The Witness.   -- affected by that.

2           Ms. Raskin.   Well, did --

3           The Witness.   I can tell you -- all I can tell you, Congressman, is, I don't know  
4 what they decided.   I do know what's in my affidavits.

5           Mr. Raskin.   Okay.   But you decided --

6           The Witness.   And I -- and I -- and I have -- please let me finish.   I have to see  
7 things in the light most favorable to my client.   And if I have 350 affidavits from  
8 Pennsylvania that talk about voter fraud in various ways, let's not get into which was the  
9 biggest, and those numbers add up to a difference in the election.   I don't know, they  
10 could all be lying.   But I have to rely on that.   What am I supposed to do as a lawyer,  
11 throw them away, because some judge decides whatever the judge decides?   I  
12 have -- the judge -- the judge wasn't there, the witnesses were there.

13          Mr. Raskin.   Okay.   So this is what I want to ask you and again, I --

14          The Witness.   I'm going to have to -- I'm going to have to ask you to please -- I've  
15 got 2 minutes.

16          Mr. Raskin.   Okay.   My question is this, America now has a practical problem.  
17 Up until this point, losers in Presidential elections, Senate elections, congressional  
18 elections have accepted the final tally as certified by election authorities if they've been  
19 upheld by the courts.   But now we have a situation where more than 60 courts have  
20 uniformly rejected exactly the kinds of claims of electoral fraud and corruption  
21 irregularity that you're still backing about today.   And it has proven to be an extremely  
22 divisive thing for our democracy.

23                 So just to allow me to finish my question.   You are a lawyer.   What is your best  
24 legal and constitutional advice to us about how we should settle the problem that people  
25 always feel like their guy got cheated if we can't rely on the normal State election



1 authorities, and then the decisions of courts that come after them?

2           The Witness. Well, we can't. We have a -- we have -- in some of the crooked  
3 cities, we have a vast amount of election fraud and I think if you could just take the time  
4 to watch the movie, 2000 Mules, which, of course, addresses other facts, although some  
5 of that was brought up about the Zuckerberg boxes, you will see that there's a  
6 technological, scientific proof that if you want to dispute it, if you want to dispute it, go  
7 out and do it. Go, go, go to Atlanta and track -- track those exact patterns and see if the  
8 movie is correct.

9           Mr. Raskin. All right. So you're saying that we should not rely on the Federal  
10 and State courts, we should rely on the movies?

11           The Witness. I'm -- I'm saying that corruption can happen and terrible things can  
12 happen. And in this country, we now have -- well, look, in my view we have a man  
13 sitting in the White House who's committed crimes for 30 years. And I have the proof,  
14 and I had the hard drive. And I don't know, we're living in a country that censored the  
15 hard drive. If the American people had the hard drive before the election, he wouldn't  
16 have been elected. That was the first fraud. So I don't know. People able to do that  
17 can do a lot of things. The man is guilty of 30 years, according to his son, of taking 50  
18 percent of what his son earned. And the son paid all of the expenses. That's a text  
19 from his son. There are then numerous transactions handled by Mr. Schwerin in which  
20 money goes from Hunter Biden to Joe Biden while he's Vice President of the United  
21 States. They took money from China. Biden had a \$30 million contract with -- with  
22 China, with Communist China, and you've got him sitting in the White House. So I'm  
23 prepared to believe anything when I see something like that. And I'm sorry, I don't care  
24 if 5,000 judges decided, if I've got 400 witnesses who tell me they saw Alice B written off  
25 for Biden -- don't laugh at me.

1           Mr. Raskin. I'm not laughing. I -- you know, your 400 witnesses have the right  
2 to go to court with everybody else.

3           The Witness. The judges wouldn't listen to them.

4           Mr. Raskin. But -- but you know what?

5           The Witness. The judges -- the judge in Pennsylvania didn't listen to a damn  
6 witness. He just decided it on his own. He didn't -- he didn't listen to the witnesses.  
7 He said -- I stood there for 5 days and watched them. And let me tell you how they  
8 counted the ballots, he didn't listen to the witnesses in Pittsburgh who said the same  
9 thing. He didn't listen to the witness who said 7,000 people showed on Election Day  
10 who had already voted, and their votes were phony. Those votes by the way were not  
11 deducted from the count that went to the electoral college which makes the count  
12 technically false.

13          Mr. Raskin. Well, okay. So Mr. Giuliani, I'll close with this thought, if everything  
14 that you're saying it true, what was wrong with the -- the violent attack on the Capitol to  
15 overthrow the counting of electoral college votes? What was wrong with that?

16          The Witness. I -- I believe -- I believe that there are, in this country, always  
17 peaceful ways of achieving the objective of change. But you -- but you want to take that  
18 away from us.

19          Mr. Raskin. No. Well, so --

20          The Witness. Let me tell you how you want to take that away from us. You  
21 want to take that away from us by restricting or free speech. You want to take that  
22 away from us by making it impossible for me to argue these things without being accused  
23 of being a dishonest, disreputable lawyer. You -- you -- it's members of your party who  
24 are doing it. New York is owned by the Democratic party. Every one of those judges is  
25 appointed by a Democratic district leader. You are talking to somebody who

1 investigated corruption for a living.

2 Mr. Raskin. Yeah. Well, who has restricted your freedom of speech?

3 The Witness. Let's start with Joe Biden, who wrote a letter to all the networks  
4 not to put me on. How about we start with the crooked President of the United States.  
5 He wrote a letter saying -- and this is before -- this is -- this is like in June of 2020. He  
6 wrote a letter saying I shouldn't be put on the air. And by the way, you don't think  
7 CNBC, MSNBC --

8 Mr. Costello. CNN.

9 The Witness. -- CNN didn't comply with that?

10 Mr. Raskin. Well, I've seen you on TV a lot. And I think --

11 The Witness. Yeah, but not after the letter you didn't.

12 Mr. Raskin. Yeah. You make a forceful case. But to my mind, it's totally  
13 outside the rule of law. And I think I'm going to have to yield back.

14 The Witness. I find that very offensive. It's outside of the rule of law.

15 Mr. Raskin. I find what you are saying offensive. Sir, as a man of the law,  
16 you're supposed to accept our legal system as it exists. And unless --

17 The Witness. How is this unfair, unjust I am not --

18 Mr. Raskin. Then you send the message to people that it's okay to commit  
19 violence against the United States.

20 The Witness. I do not. When I send -- when have I ever done anything violent?  
21 I go to court, I argue cases.

22 Mr. Raskin. You lost all the cases and it's over.

23 The Witness. No, it's not over if you believe it's an unjust result. What about  
24 the guy who gets convicted of murder? And you don't give it up --

25 Mr. Raskin. So you don't agree with President Trump -- wait. Do you agree

1 with former President Trump that the election can still be rescinded today?

2 The Witness. No, I do not.

3 Mr. Raskin. Did you --

4 The Witness. Of course I can. There's only one thing --

5 Mr. Raskin. -- not over.

6 The Witness. He is the President of the United States.

7 Mr. Raskin. Who is?

8 The Witness. How he became President of the United States was corrupt. That  
9 should be exposed so it doesn't happen again. You shouldn't be afraid of going into this.  
10 Let's go into it. Let's look at the ballots. Show me the paper now. If you show me  
11 paper that's legitimate, I'll shut up. You -- you disprove -- you disprove the allegations  
12 or the proof in 2000 Mules, show me one that's wrong.

13 Mr. Raskin. Well, you know the way our system works is that if people have a  
14 public, legally based objection to an election result, they go to court. And the court sifts  
15 through it and the court rules. And if you don't like that, you make an appeal. And if  
16 you don't like that, you make an appeal to the U.S. Supreme Court which your party  
17 controls on the basis of 6 to 3 right now. So the courts, if anything, are tilted to the  
18 advantage of your party because you attribute a lot to who the President ended up  
19 nominating. And yet, you failed miserably across the board. I don't mean to put it  
20 personal terms, but your team failed miserably to prove to anybody that there was any  
21 electoral fraud and corruption. And yet, you maintain this fiction and we get things like  
22 the January 6th violent insurrection, that it interrupted the peaceful transfer of power for  
23 the first time in American history. And then I hear you engage in the exact same speech  
24 today. And I'm just wondering how long is this going to go on for?

25 The Witness. That is an extraordinarily unfair statement. I'll tell you why.

1 First of all, I am entitled to disagree with the decision of the United States Supreme Court.

2 Mr. Raskin. Yes.

3 The Witness. Yeah. I mean, if the Supreme Court decides to overturn Roe,  
4 you're going to disagree with it, correct?

5 Mr. Raskin. Absolutely. I'm not going to --

6 The Witness. You can go with the law --

7 Mr. Raskin. -- storm the Capitol or I'm not going to storm the Supreme Court. I  
8 am not going to steal --

9 The Witness. I have every right in a free country to disagree with 500 courts if I  
10 want to. I have every right to rely on the evidence that I have, that I know is more  
11 compelling than what they have. I have never, ever asked for violence, had anything to  
12 do with violence. I've been on the radio for 2 years saying this.

13 Mr. Costello. Tell him about your --

14 The Witness. Nobody does -- nobody has committed an act on violence based  
15 on anything I ever said. The one case that was brought up implicating me and violence,  
16 I've been dismissed from. And your suggestion that I had to do -- engaged in violence is  
17 defamatory and it's disgusting. I acted as a lawyer. And what you are doing is  
18 penalizing me from me arguing the case in the light most favorable to my client that  
19 never resulted in a single violent act. It's now been 2 -- a year and a half after January  
20 6th.

21 Mr. Raskin. Okay. If I can --

22 The Witness. And I am going to finish. I was suspended for being a danger of  
23 violence. In a year and a half, there's been no violence, none, zero. So that is -- makes  
24 me distrustful of a lot of things that go on in the courts. And if you're going to tell  
25 me -- well, never mind.

1           The point is I have a right to my opinion without being canceled, without being  
2           disbarred, without having my income affected, without being threatened with death.  
3           And what your party has done to me is outrageous, starting with Biden asking the  
4           networks to keep me off. Where the hell does he have the right to ask the networks to  
5           keep anybody off in a country that values free speech?

6           Mr. Raskin. All right. Well, I appreciate that, Mr. Giuliani, I appreciate your  
7           passion.

8           You know, I was going to ask you what you thought of the former Attorney  
9           General, William Barr's statement that Donald Trump's case was based on bullshit, but  
10          you can answer that if --

11          The Witness. Let me tell you, I'll tell you what I think. He never looked at a  
12          single piece of evidence. He also withheld the hard drive for a year and a half. He also  
13          never investigated any of the allegations that were given to him way back in -- oh, gosh,  
14          the beginning of 2018 or in 2017. He did an awful lot of things that were very, very  
15          questionable. That hard drive should have been put out when the FBI got it, not  
16          suppressed. It contains evidence that made your impeachment of the President a farce.  
17          And that's why it was covered up.

18          It contains unequivocal evidence that the President had every right to be  
19          concerned about a crime at the highest levels of the Ukraine and the United States. And  
20          if he hadn't had that conversation with Poroshenko -- I'm sorry, with Zelenskyy, which  
21          was far different than Biden's extortionist conversation with Zelenskyy, he would not  
22          have been doing his duty as the President of the United States. That hard drive contains  
23          more than probable cause that the present President of the United States, for 30 years,  
24          has been collecting bribes through his son as a bag man. If you believe that Hunter  
25          Biden kept all that money, even though Hunter Biden said I gave 50 percent to my father,

1 I'm sorry, you're naive.

2 Mr. Raskin. Okay. Thank you for that extraordinary statement.

3 And I will yield back.

4 Mr. [REDACTED] Thank you, Mr. Raskin. And I know we've gone beyond 2:30. I  
5 do just want to put something quickly on the record and that is that you have made a  
6 number of objections on the basis of attorney-client communications privilege in the  
7 work product doctrine, and these include questions about your conversations or  
8 meetings with Members of Congress, State legislators, and local officials, who we  
9 understand are not clients or members of your legal team for purposes of litigation.

10 And in addition, we asked you questions about documents released to the  
11 committee by a Federal court as a result of litigation over claims of attorney-client  
12 privilege and work product among other things.

13 Our position that the attorney-client privilege is a rule of evidence that preserves  
14 the confidentiality of communications between lawyers and clients. And it is our  
15 position that there's no legitimate basis to assert your communications or -- excuse me,  
16 assert that your communications with Members of Congress, State legislators, local  
17 officials, or questions about documents released to us by a Federal court implicate the  
18 attorney-client communications privilege. And we are happy to give you and your  
19 attorney an opportunity to evaluate those questions and readdress them when the  
20 deposition resumes later.

21 In addition, we have also -- or you have asserted work product privilege or the  
22 doctrine to similar conversations as well as documents. And our position on that is that  
23 the work product doctrine protects documents and material things prepared by or for a  
24 party in anticipation of litigation, including nonattorneys under your, your lawyer's  
25 supervision. And we don't see how that would protect your oral conversations without

1       said advisers, Members of Congress, State legislators, and local officials.

2               So we are going to recess, I think, until 4:00.   And when we resume, we'll ask you  
3       again about those assertions -- assertions and objections to oral communications with  
4       Members of Congress, State legislators, and local officials, including our questions about  
5       documents released to us as a result of litigation.   And if -- if we do -- excuse me, if you  
6       do persist in those objections, the select committee may seek a ruling from the chairman  
7       that could compel you to respond.

8               So I know we're over time.   I appreciate you giving me those few extra minutes.  
9       I did want to put that on the record and give you the opportunity to consider that over  
10       our recess.

11              And are we still prepared to come back at 4:00?

12              The Witness.   4:15.

13              N [REDACTED] 4:15.   Okay.   That sounds great.   We will see you at 4:15 and we  
14       stand in recess.   Off the record.

15              [Recess.]



1

2 [4:16 p.m.]

3 [REDACTED] We're back on the record with Mr. Giuliani's deposition.

4 Mr. Costello, did you have something you want to say on the record?

5 Mr. Costello. I did. As you may recall, when it came to quite a number, if not  
6 all, of those invocations of work product or attorney-client privilege invocations, Mayor  
7 Giuliani said: I would love to give you the answers, in fact, the answers would be  
8 "exculpatory" -- was the word he used -- but I feel constrained because of my role as a  
9 lawyer and the fact that I don't own the attorney-client or work product privilege to  
10 invoke it.

11 Now, having said that, I know you guys disagree with some of the invocations.  
12 And so my proposal to you is, if you can get a district court judge to make a ruling, you  
13 can somehow, you know, put these together from your transcript and make a ruling on  
14 whether or not it's covered, if we get a waiver from a judge, then he's safe as an attorney  
15 to answer those. And I'm proposing that we would answer those in writing for you, if  
16 that's amenable to you, because this way we don't have to reassemble to get the answers  
17 to those questions. But it's up to you obviously.

18 The reason I mention that is because some ruling by Bennie Thompson is simply  
19 not going to do it. Bennie Thompson is not a lawyer. I know he's got lawyers  
20 sitting -- like you -- that will advise him, but that doesn't give Mr. Giuliani the assurances  
21 that he needs not to put himself in jeopardy as an attorney.

22 So, if we can agree on that, then we can move on. And hopefully you guys can  
23 get your questions answered, if somebody finds out that, in fact, it's not covered by work  
24 product privilege. Does this seem like a workable solution to you?

25 [REDACTED] Under these circumstances, the deposition regulations of Congress

1 control, and it's the chair who makes rulings in these circumstances.

2 Mr. Costello. I read the rules. I know what they say. I also know that Bennie  
3 Thompson is not a lawyer. I also know that an assurance from a nonlawyer like Bennie  
4 Thompson that this is not covered by a work product is not going to save Mr. Giuliani's  
5 license if he gets into trouble over this, which is exactly why I'm proposing what I'm  
6 proposing. It makes it easy for all of us. We don't have to pull our hair out. We can  
7 get to the answers that you're entitled to get. We're more than happy to give you those  
8 answers, but we need assurances that Bennie Thompson and the committee simply can't  
9 give us.

10 [REDACTED] I'm not in a position to advise you on ethical responsibilities or  
11 ethical rulings, wherever Mr. Giuliani is licensed, but I can tell you that the regulations set  
12 up for Congress and the House of Representatives do have this, and it requires the chair  
13 to make a ruling in these circumstances.

14 So I think what will likely happen is that we'll continue through today's deposition,  
15 we'll continue to note any objections that you or Mr. Giuliani place on to the record, and  
16 then we will seek a ruling from the chairman and resume the deposition. So we  
17 recessed this until further call of the chair. It sounds like that's not going to be satisfying  
18 to you, but those are the rules, and we do work under the constraints of the rules that  
19 the House and Congress set forth

20 Mr. Costello. We are trying to make it easy for you. You're trying to make it  
21 difficult for you.

22 The Witness. Okay. Whatever. Whatever. Why don't we just get this  
23 finished since we're going to have another session. Why don't we get this one finished.

24 [REDACTED] Okay. And let's go off the record for one second.

25 [Discussion off the record.]

1 [REDACTED] Okay. We're back on the record.

2 Mr. Costello. Yep.

3

BY [REDACTED]

4 Q Mr. Giuliani, when we left off -- well, we had an exchange with Mr. Raskin  
5 just before we finished.

6 Oh, and I should note, by the way, I believe Ms. Lofgren has joined the deposition.

7 A Okay.

8 Q When we left off with my questioning, we were talking about, in exhibit 54,  
9 which we'll pull back up again, that was an email from Ms. Friess to you, Mr. Bannon, and  
10 others regarding a request by Senator Lindsey Graham. Can you see that?

11 A I do see that, yes.

12 Q Okay. Let's scroll down a little further if we can. And in the paragraph  
13 that's right towards the center of the screen now that says, "the chairman very  
14 specifically said," do you see that?

15 A Yeah.

16 Q It appears that I think the chairman refers to Senator Graham, who I guess at  
17 the time, was he chairman of the Senate Judiciary Committee? That must -- that might  
18 be the reference.

19 A Was he chairman of -- yes, he was. No, he wasn't chairman of the  
20 Judiciary.

21 Mr. Costello. I don't know.

22

BY [REDACTED]

23 Q I think for a period of time he was the chairman.

24 A Oh, maybe he was. Maybe he was. Okay.

25 Q So I'm pretty clear from the context that that's referring to Chairman

1       Graham, and it appears that Senator Graham was asking for, quote, verified numbers, the  
2       names that he could publicly use for dead voters.   Do you see that -- that sentence in  
3       that -- the second paragraph or the --

4             A     Yes.

5             Q     -- paragraph that's on the screen?

6             And Ms. Friess has pulled together some information from an affidavit from an  
7       expert by the name of Bryan Geels.   Do you know who that is?

8             A     I do, but he wasn't the primary one that I was relying on, but okay.

9             Q     Who was the primary one you were relying on?

10            A     At this point, Navarro had done a much better study particularly of this, and I  
11       was relying on Navarro's study because he was able to get through -- first of all, you  
12       should realize that these numbers do not include by and large people who voted on  
13       election day.   These are numbers that basically deal with the mail-in ballots, because the  
14       voter list of the people who voted on election day was not available.

15            And generally -- and this was not -- I'm not charging anybody with this.

16       Generally, that's the case.   You generally don't get the voter list on election day until  
17       February or March of the next year.   So you had the voter list.   Most of the voters who  
18       voted mail in, so, therefore, you could do comparisons of them to people that are dead or  
19       alive or in State or out of State, but you didn't have the rest of it.

20            Q     So, with respect to Mr. Geels as opposed to Mr. Navarro, I've seen several of  
21       your statements, and maybe we'll even talk about some of them, that you made over the  
22       course of November, December, and into January regarding dead voters in Georgia.  
23       And I'm saying dead voters colloquially in that I think you know what I mean, that's  
24       someone who voted on behalf of someone who died.

25            A     I know what you mean, yes.

1 Q Okay. And you quoted -- there's a number 10,315 was the number you  
2 used quite a bit?

3 A Yeah, I would say that's the most accurate number.

4 Q Okay. And that number comes from Mr. Geels' affidavit, if I'm not  
5 mistaken. Well, it is in his affidavit.

6 A It also was verified by Navarro, so that is probably the most accurate  
7 number.

8 Q And then, at some point right around this time, and I think you used the  
9 number again even in our session this afternoon, you said there were 790 people who  
10 died in 2020 who voted in the election.

11 A That was a list that was given to me by Christina Bobb, and those were  
12 people -- the 10,315 we didn't have time to get the names for, but we got the names for  
13 the people who died in -- I believe I'm right about this -- in 2020. And Christina Bobb put  
14 that together over the weekend, and she came up with 700 and -- I know you said 792,  
15 but it's somewhere in the 700 to 800 range.

16 Q Yeah. Now, I said 790, which I think is a number that you had used, but, in  
17 fact, the number in the spreadsheet that was attached to this email is 789. So I'm  
18 assuming we're talking about the same thing, just we're -- the numbers were slightly off.

19 A Yeah. Yeah. And then there was a -- okay. Yeah. That sounds like  
20 that's about right, yeah.

21 Q Okay. So Ms. Friess sends you this chart and is asking for some guidance  
22 from you and from the others, Mr. Bannon and others, about what to say to Senator  
23 Graham. And she notes -- she includes the chart with the 789 names, and she notes in  
24 the last paragraph, if you could scroll down a little bit further, one last item. Do you see  
25 that?

1 A Yeah.

2 Q She says: One last item, many of the dead voters on the Georgia list sent  
3 their vote in before they passed. I don't think this makes a particularly strong case, and I  
4 think it's possible that Chairman Graham will push back on that. Almost all of them died  
5 in October, a few in November, and a few in September. I think this makes the case for  
6 unfortunate timing. Many sent their ballots before they passed rather than nefarious  
7 activity. Am raising it just -- am raising this just so that everyone is aware of what the  
8 actual -- what the data actually says.

9 Do you remember that being an issue that was raised by Ms. Friess --

10 A I don't.

11 Q -- in this timeframe, that many of the voters who were supposedly dead  
12 voters had actually sent in their ballots before they passed?

13 A I'm not -- I'm not sure I recall -- I recall this part of it.

14 Q Okay. And if we can pull up the spreadsheet that's attached.

15 A But I do remember seeing -- do you have the sheet of the names?

16 Q I'm going to read that, yes.

17 A So how many were before --

18 Q So this is -- does this look familiar to you, the document?

19 A This looks familiar, yes, but, I mean, I've seen many like this, so I can't tell  
20 you this particular one looks familiar.

21 Q And --

22 A But it looks like the kind of document they would put together, yes.

23 Q And you're not able to see it unless we scroll all the way down, but I'll  
24 represent to you that there is 789 names on this list.

25 A Okay.

1 Q And you can see from the -- from the part that you have in front of you that  
2 the other columns show the date of death, then the ballot issue date, and the ballot  
3 return date measure. Do you see that?

4 A I see it.

5 Mr. Costello. Did you say ballot return date measure?

6 The Witness. Yeah, what does that mean?

7 Mr. Costello. What does that mean?

8

BY [REDACTED]

9 Q I was going to ask the mayor if he knew what that meant.

10 A No, I don't.

11 Q Okay. My understanding is that it's a reflection of when the ballot was  
12 received by the local authority, the Clerk's Office or whoever it was intaking the ballot.

13 Mr. Costello. What's that understanding based on?

14

BY [REDACTED]

15 Q That's -- I believe it's in Mr. Geels' affidavit, but I don't want to -- if you have  
16 a different recollection or a different understanding --

17 A I don't. I don't know what it means.

18 Q And then --

19 A Ballot return date measure. Okay. Let's assume -- let's assume for a  
20 moment it means when it was returned.

21 Q Okay. And then the far right column says, "death compared to ballot  
22 return," which would suggest that what you just -- the assumption you just made was  
23 correct, that there's a return date of the ballot, and what the final column is showing is  
24 the number of days before or after the date of death the ballot was returned. So, if we  
25 look at that very first one, you can see it's for someone by the name of Donald Jolly, and

1 the document reflects -- the spreadsheet reflects that his date of death -- sorry, I'm not  
2 working off the spreadsheet here so --

3 A No, I see it. His date of death was a couple of days before the issue.

4 Q Well, but relative to the ballot return, it should be 55 days before --

5 A What does that mean?

6 Q -- according to the last column.

7 A He was dead on the 13th. He couldn't vote after the 13th.

8 Q Correct. And his ballot wasn't -- was returned or stamped, you know,  
9 intook but in -- it was received by the clerk's office on October 7th, which is 55 days after  
10 he died.

11 A But could he vote?

12 Q Do you follow me?

13 A Their early voting didn't go back to August.

14 Q No. No. So your point is, your -- Ms. Friess or Mr. Geels would say this  
15 voter or the person who voted could not have been Mr. Jolly (ph) because, in fact, the  
16 ballot was returned 2 months after Mr. Jolly (ph) had passed away.

17 A Okay.

18 Q Right?

19 A All right.

20 Q So that's the 55 -- minus 55. It was the ballot was returned 55 days after  
21 the person died; therefore, we have a dead voter situation. Do you agree with that?

22 Mr. Costello. [REDACTED] though, this all assumes that your guesstimate as to  
23 what these columns mean --

24 The Witness. What does it show in the long run? What does this show --

25 BY [REDACTED]



1 Q Okay. I'm going to get there. So you had asked the question, I believe  
2 someone asked the question moments ago of how many of these ballots were received  
3 after the voters had passed away, and I will tell you, and we could scroll down and see,  
4 that 134 of these ballots were shown as received after the date of death. Do you  
5 want -- can we scroll down to like the -- where the breaking point is, [REDACTED]?

6 Mr. Costello. You're saying it's 134 out of 789?

7

BY [REDACTED]

8 Q Correct. Do you see where it turns to zero, where the far right column is  
9 zero? And so you'll see on the zero that means the date of death was the same date  
10 that the ballot was received.

11 A Well --

12 Mr. Costello. The same date as the ballot received?

13

BY [REDACTED]

14 Q Yes.

15 A Well, that would be illegal.

16 Q Okay.

17 A That would be illegal for another purpose. I mean, those votes are thrown  
18 out if you receive it on the same -- on the same day.

19 Q No. So let me -- Ms. Friess' point -- I'm going back to the memo now.  
20 Ms. Friess' point was that many of these voters on the list, she was alerting you to the  
21 fact that many of the voters on the list had actually mailed in their ballot before they  
22 died. Would you agree with me that that's not a problem from a fraud standpoint, that  
23 if a voter mails in a ballot and then passes away, we don't have a dead voter situation?

24 A We don't have a dead voter situation, but I'd really want to take another  
25 look at how accurate that is. I see a lot of -- I see a lot of blank spaces there, with there

1 are supposed to be -- where there are supposed to be --

2 Mr. Costello. Yeah. Can you put that back up?

3 The Witness. If you go back to the chart, I see a large number of blank spaces.

4 I really doubt that she was able to get that information in that period of time.

5

BY [REDACTED]

6 Q Keep scrolling down. Keep scrolling down.

7 Well, what Ms. Friess was pointing out to you before she sent this to Chairman

8 Graham --

9 A See, look at all those date of death.

10 Q Yes.

11 A And it seems rather inconceivable to me.

12 Q Oh, expand the columns. Excuse me. That's an Excel issue. There we  
13 go. The column was too narrow for the screen.

14 A Doesn't it seem rather strange to you that so many people died in October  
15 and November but nobody died in --

16 Mr. Costello. August or September.

17 The Witness. -- August or September?

18

BY [REDACTED]

19 Q If you could keep scrolling down.

20 A I mean --

21 Q We can keep scrolling down.

22 The question is, sir, do you remember having a conversation with Ms. Friess in  
23 which she told you that: I just want everyone to be aware that the data doesn't actually  
24 show that 789 people or anything close to it actually voted after they died?

25 A I don't -- I don't remember if she said anything close to it. I think she said

1       there is -- there are discrepancies in the data.   Well, I said:   Send them whatever you  
2       have.   This is just 1 year out of many, and it's only the absentee voters.

3               Q     Would you agree --

4               A     So there will definitely be a lot more dead voters than whatever we give him.

5               Q     Sure.   Would you agree with me though that, if a voter sends in an  
6       absentee ballot and then dies after sending in the ballot, we don't have a voter fraud  
7       situation?

8               A     Well, we may have a voter fraud situation; we don't have a dead voter.

9               Q     Okay.

10              A     We could have a voter like the many that I saw videos of who are demented,  
11       who don't know who they are, who had somebody vote for them.   That was particularly  
12       prevalent in Wisconsin.

13              Mr. Costello.   Can I ask a clarification?   Are you saying that --

14              The Witness.   My, God, look at all those people who died.   October, they just  
15       wiped out the whole State in October.

16              Mr. Costello.   Let me just finish this question.

17

BY [REDACTED]

18              Q     Well, do you know how many voters there are in Georgia?

19              A     I'm trying to think, about 5 million.

20              Q     There were over 7 million voters cast in Georgia.

21              A     Okay.

22              Q     Seven million registered voters.   Do you have -- have you done any analysis  
23       to determine what the death rate in Georgia is or what it was in 2020 and whether it's  
24       surprising that there would be 100 people who died in October?

25              A     No.   I'm wondering about why -- what about people in the earlier part of

1 the year that die?

2 Q Well, there -- if you go up to the top, we had -- we saw one, didn't we? We  
3 saw a person who died in August, and his vote was cast 55 days after. So there's an  
4 issue there, I'd say. Do you agree?

5 Mr. Costello. Of course.

6 The Witness. There's an issue, sure. I mean --

7

BY

8 Q Okay. Do you know what --

9 A Yes, this is all preliminary data, and even with it 134 dead people voting is a  
10 pretty serious thing. And it doesn't have an impact on the ultimate number because  
11 66,247 juveniles voted.

12 Q And what's your evidence on that, Mr. Giuliani?

13 A Those are comparison -- again, this is just the mail-in votes. Those  
14 are -- those are the comparisons with the motor vehicle records.

15 Q Mr. Giuliani, who did a comparison in motor vehicle records and determined  
16 that 66,000 juveniles voted?

17 A I don't know who did this. I just remember having it described to me.

18 Q Okay.

19 A And I've never seen any refutation of it.

20 Q Did you see the declaration that was filed in the case in Georgia by Charles  
21 Stewart, an MIT professor who went through all those issues?

22 A I did not.

23 Q Okay. Have you ever talked to any of the lawyers who were handling the  
24 case in Georgia about whether there was a declaration filed in response to Mr. Geels'  
25 affidavit regarding all of the underage and unregistered and felons who alleged to have

1 voted?

2 A I have not.

3 [REDACTED] Mr. Giuliani, when you're in that position we can't see you. You're  
4 cut off. You need to --

5 The Witness. I've never received any information disputing this. I've never  
6 seen any information disputing it or -- nor have I seen the expanded information that  
7 would come from examining the people who voted on election day because this is only an  
8 analysis of the people who voted -- who voted mail in.

9

BY [REDACTED]

10 Q So I'll note that Mr. Aguilar has joined.

11 Did you read Mr. Geels' affidavit on this issue?

12 A A long time ago, yeah.

13 Q And did you notice in Mr. Geels' affidavit that he pointed out that because of  
14 limited data that he had available he recognized that there would likely be false positives  
15 that is showing a match between the person who voted and the person who died that  
16 were, in fact, not meant to be a match, that they were different people?

17 A Yes. But, in election cases, you commonly put in expert testimony that  
18 acknowledges that it could be inaccurate because you have very little time to put the  
19 information together.

20 Q And --

21 A Experts are given much wider latitude in election cases than they are in  
22 other cases, and this case never went -- never went to trial. So he was doing his best to  
23 estimate based on limited records, which is what happens with all experts in election  
24 cases.

25 Q And Mr. Geels noted in his affidavit that his analysis was -- could only go so

1 far because he didn't have access to date of birth information. He only had birth year.

2 A That's correct.

3 Q Do you recall that?

4 A I do recall that.

5 Q And do you recall him saying that the only ones who could really do what he  
6 called a full analysis would be the secretary of state because they have the complete  
7 records that show date of birth?

8 A And I wouldn't --

9 Q Do you recall him saying it?

10 A Yeah, but I wouldn't trust a single thing the secretary of state did.

11 Q I'm just asking if you recall Mr. Geels saying that in his affidavit.

12 A I don't recall that exact testimony, but I do recall, because this is true in all  
13 election cases, that at this stage these are mostly estimates because you don't have the  
14 full information.

15 Q Now --

16 A Among other things, you don't have the full number of voters. And if the  
17 State wants to be -- State wants to be difficult, they don't give you access to information  
18 that they want to just look at themselves.

19 Q Now, when you were on television and on podcasts and on your radio show  
20 and you're talking about 10,315 dead voters in Georgia, did you caveat that with "well,  
21 we don't really have the information, but these are -- these are --

22 A I caveated it with it was an estimate, yes.

23 Q Okay.

24 A It could be less. It could be more. And I also always noted that it was just  
25 the -- well, I can't say always. There may have been times I left it out. But I

1 significantly noted that these figures were figures just based on the absentee voters, not  
2 on the voters who actually voted, and they were expert opinions rather than facts.

3 Q Right. And but you didn't read the contrary expert's opinion which  
4 discusses Mr. Geels' --

5 A I never got the contrary expert's opinion.

6 Q Okay. When you were on a phone call --

7 A And I've never seen it.

8 Q You were -- it was filed in the case of Trump v. Raffensperger, and the expert  
9 is Charles Stewart, who is an MIT professor, probably one of the leading authorities.

10 A But was he working for Raffensperger?

11 Q He was -- he was an expert in that case and --

12 A Was he -- was he Raffensperger's witness?

13 Q I believe, yes.

14 A Yeah, well, I wouldn't have believed it. I don't care who -- I don't care his  
15 credentials. Raffensperger is a complete liar.

16 Q Okay.

17 A And he's got his whole career wrapped up in this, and he is in serious trouble  
18 because of the report that was given to him that he concealed, and he also happens to be  
19 in serious trouble for other things. I wouldn't trust a single thing that Raffensperger  
20 says.

21 Q And you wouldn't trust anything that Charles Stewart, the MIT professor,  
22 says?

23 A I look at witnesses from one side and another with great credentials, and  
24 they find a way to come out on the side of whoever they're testifying for. And that's  
25 how they make their money, and they could come from Oxford, and I've seen people do

1 it.

2 Q Do you think that's true of experts who don't have great credentials like  
3 Mr. Geels?

4 A I think it depends more on what side they're testifying for when you go into  
5 court.

6 Q Okay. So anyone who's hired by the Trump side here you would believe,  
7 notwithstanding the absence of credentials, but anyone who's hired by Raffensperger you  
8 would not believe --

9 A How about we start with the fact that I'm Trump's lawyer.

10 Q Let me finish my question. Even if he's one of the leading authorities in  
11 election administration, election signs for the last 30 years?

12 A Yeah, particularly if he's testifying for a guy whose career is on the line  
13 because he made an absolutely fraudulent statement. So I -- yeah, if I were litigating  
14 this case, I'd cross-examine the hell out of him. Now, remember, I'm a lawyer, so I have  
15 to interpret these things in the light most favorable to my client, not the artificial way in  
16 which you are now questioning me, which is why you are putting in jeopardy the role of a  
17 lawyer being able to aggressively and correctly litigate for their clients.

18 Q Yeah, I'm not quarreling with your ability to act as a lawyer, Mr. Giuliani.  
19 I'm --

20 A Yes, you are.

21 Q What I'm asking about is you made public statements, lots of them, stating  
22 definitively that it was a stolen election because tens of thousands of dead people voted  
23 in Georgia, and yet you didn't look at the expert declaration that refutes that.

24 A I never relied only on the dead people in Georgia.

25 Q Okay.



1           A    I relied on everything you see here plus the video.  I never said --

2           Q    We started to talk about the video but we never finished.  Did you -- did  
3 you see -- did you ever watch the full surveillance video that showed that these were not  
4 suitcases of ballots that were smuggled into the State Farm Arena, but rather they were  
5 official boxes that were -- that -- in which the ballots were placed when they were starting  
6 to --

7           A    Yes, yes, and then I saw -- I saw them hidden away after they were brought  
8 in, hidden under a table and not brought out until everyone was excluded from the arena.  
9 Now, whether they were valid ballots or not, they were counted in violation of Georgia's  
10 law that the votes must be counted in public.  The public --

11          Q    Can I stop you on that?  Can I stop you right there for one second?

12          A    No, you can't.

13          Q    No, I want you to explain a point you just made.  When you say they were  
14 valid or not, do you contend that the ballots were invalid or just that they were counted  
15 in an improper way?

16          A    I have always said what is clear is the law of Georgia says that the ballots  
17 have to be counted in public or they're null and void.  They were counted in private,  
18 deliberately made private, so every one of those ballots has to be thrown out.  Whether  
19 they were valid ballots, invalid ballots, or a combination of both, I don't know that.

20                I also said the method in which they were being counted looked very suspicious.  
21 I never -- I never contended that they were valid or invalid.  And I know exactly how they  
22 were brought in.  I saw them brought in.  I also thought it was very, very strange that  
23 they put them under a -- and then they waited until the place was empty, and they made,  
24 if you look carefully, two what I call casing the joint, because it reminded me of major  
25 bank robberies that I prosecuted when I was a child.  They made two passes to make

1       sure there was nobody in the arena.

2               Now, the Republicans remained behind, by the way, outside, and they can testify  
3       if you want them to that nobody entered that arena during that period of time, including  
4       Raffensperger, I think, saying he sent somebody there.   Nobody got in until they were  
5       finished voting.   There are three Republicans who are willing to testify to that.

6               Q     Got it.   And I understand the issue that you're raising with respect to the  
7       observation of the counting.   I want to just -- I just want to close the loop.   When you  
8       said you don't know if they were -- you never said they were not legitimate ballots.   You  
9       have used the term "fake ballots" with respect to the State Farm Arena ballots.   Did you  
10      mean to say that they were not legitimate or --

11              A     Well, the minute -- the minute -- the minute they are counted without a  
12      proper observation they become a fake ballot.

13              Q     Okay.   I understand.   I understand your point.

14              A     Then they become useless.   I mean, they're only -- we're talking about  
15      absentee ballots.   There's only one way they can be verified.   You have to verify them  
16      based on their signature.   You don't have a person in person.   If there is no person  
17      from the other side observing them, it's an invalid ballot.   It's a fake vote.

18              Q     Understood.   Any of the -- any members present have any questions before  
19      we move on to another topic?

20              Okay.   I want to go back and talk a little bit about -- more about voting machines.  
21      I know we started to talk about that, and then we, I think, moved into some other areas.  
22      It seems that there was a -- there were a lot of different efforts made to get access to  
23      machines over the course of your investigation.   Is that fair to say?

24              A     I'm sorry.   Say that again.   I didn't hear the first part.

25              Q     Yeah.   Is it fair to say that there were different efforts made by your team --

1 A Yes.

2 Q -- to get access to voting machines?

3 A Absolutely. We wanted -- we really had hoped that Dominion would just  
4 make them all available. They could stay, hang around, look at it, make sure we knew,  
5 and we could examine them. And it seemed to me very, very suspicious that they  
6 wouldn't allow us to do that.

7 Q And I think you said that you had come to a belief fairly early on after the  
8 election that there was something not right about the voting machines?

9 A I was told that. I mean, first of all, there's a 2017 documentary explaining  
10 what terrible machines that the machines are with Democrats participating in it, like  
11 Klobuchar and Senator Warren, who say that the -- the base machine is the Smartmatic  
12 machine. E&S and Dominion both used that machine. And the point of this  
13 documentary, which is Kill something -- I wish --

14 Q "Kill Chain."

15 A Yes. Kill what?

16 Q "Kill Chain."

17 A "Kill Chain." That's it. "Kill Chain." The point of this documentary is we  
18 better straighten these things out, and nothing changed between then and the time of  
19 the 2020 election except Texas turned them down. Now, in Georgia, in Georgia, I find it  
20 kind of interesting that the Governor's chief of staff is working for Dominion. Just makes  
21 me a little nervous. I'm sorry. I prosecuted too many cases.

22 Q So you had -- there's a history with voting machines and you had concerns  
23 about generally whether voting machines were secure. Fair to say?

24 A Well, particularly those in E&S in particular, and those that come from the  
25 Sequoia line of voting machines, basically the -- have you seen the affidavit from the

1       whistleblower?

2               Q     The person from Venezuela?

3               A     Yeah.

4               Q     Yes, I've seen that.

5               A     So that describes to you that Smartmatic began in Venezuela. Sequoia was  
6       the main product. Sequoia got in trouble in the Chicago elections back in '07, '08. My  
7       Congresswoman, Congresswoman Maloney, wrote a letter asking that they be banned,  
8       Sequoia be banned. So Smartmatic stopped operating under the name Sequoia, and  
9       then eventually did two sales and Sequoia now is the operating system for Dominion.

10              And that's the affidavit on which, I will tell you, this is information I got from  
11     Sidney Powell, but Sequoia is the -- the company that originally started operating out of  
12     Venezuela and was involved in many, many elections that were disputed. I believe they  
13     were banned after the Chicago election.

14              Q     Okay.

15              A     But -- but they were acquired by Dominion and several independent experts  
16     in reports that were done in '15, and '16, and in the Texas rejection of Dominion say the  
17     system has not changed at all and that they continuously lie about two things.

18              Number one, they continuously say stupidly it can't be accessed by the internet,  
19     when any child could do it, and their own manual, which I'd be happy to give you if you  
20     don't have it, shows you how to do it, and the owner of the company, Poulos, says you  
21     cannot access it by the internet.

22              Second, he says you can't change the vote. That is totally incorrect. You can  
23     change the vote. There's a description of how to do it, and I've seen it demonstrated.  
24     Also, you can do fractional voting, and you can do fractional voting because they allow for  
25     rank-choice voting, but then you can change that fractional voting into setting up

1 algorithms for two- or three-person races.

2 All of that was developed, written, discussed, and supposed to be changed by  
3 2020. None of it was. The machine was exactly the same in 2020 as the one they were  
4 complaining about in 2008 and the one they were complaining about -- Democrats were  
5 complaining about in 2017, because Dominion was not necessarily discriminatory in who  
6 they cheated for. It depended, I guess, on who they paid them the most. They did  
7 some cheating for Republicans.

8 Q Mr. Giuliani, are you aware, did you come across evidence that, in fact,  
9 Dominion machines or any other electronic voting machine had changed or deleted votes  
10 in the 2020 election?

11 A Antrim.

12 Q So does that -- any other place that you found --

13 A I didn't have access to the place. I have --

14 Q And I'm --

15 A I have affidavits from people in Georgia, particularly the rural counties of  
16 Georgia, in which they claim that there was an algorithm that it was changed. We have  
17 some machines that were examined there that support it. But other than that, I haven't  
18 had access to the other machines.

19 Q So -- and is that why you were so eager to get access, because you wanted  
20 to --

21 A Of course.

22 Q -- establish that votes had been changed or deleted?

23 A Or -- or find out that they weren't.

24 Q And is Antrim the only place where you did get access to voting machines?

25 A No, we got access to voting machines in Cooper County, Georgia, I think.

1 Q Do you mean Coffee County?

2 A Coffee County, Georgia.

3 Q How did you get access to the machines in Coffee County?

4 A I didn't get access. The people who had access brought the information to  
5 us and demonstrated it to us. I didn't --

6 Q Who --

7 A They came to me. I didn't -- or they came to our lawyer there who brought  
8 them to me -- brought them to me, and they showed me their demonstration.

9 Q So are you talking about the demonstration that the clerk did and posted  
10 online about how votes can be changed on the Dominion machine?

11 A In part. She did a lot of other things as well, but, yeah, I mean, that was  
12 part of it.

13 Q But someone, an expert gained access to the machines and gave you a  
14 report on that?

15 A Yes, sir, yeah.

16 Q Was that Conan Hayes?

17 A I don't remember. I would think it was -- no, I don't think it was.

18 Q Do you -- who do you think it was?

19 A I don't want to guess at it. Probably was Phil Waldron.

20 Q Any other machines that you got access to besides Antrim County or --

21 A When you say I got access to them --

22 Q Yeah, you're right. I caught myself in mid-sentence.

23 A I got reports from people who had access to the machines.

24 Q Great. In fairness --

25 A Most of them not at my request. I mean, at my request in the sense that I

1 wanted as much information as possible, but I never said: Let's go out and get  
2 machines.

3 I kept demanding or trying to use the bully pulpit to see if I could get Dominion to  
4 agree let's have an examination of these machines and we can end this.

5 In fact, my statement that was misconstrued, in fact, taken out of context  
6 about trial --

7 Mr. Costello. Trial by combat.

8 The Witness. Pardon me?

9 Mr. Costello. Trial by combat.

10

BY

11 Q Trial by combat.

12 A -- trial by combat was preceded by an explanation that I wanted the two  
13 machines, a legitimate machine and the Dominion machine, put up against each other  
14 and both count the votes, and if their machine works properly, I'll apologize, but if it  
15 doesn't, they'll go to jail.

16 Q Okay. So --

17 A And that -- and that thing was taken out of context like I was trying to  
18 provoke violence. And, as the judge noted, no one even got upset about it when I said  
19 it. They probably didn't even understand what I was talking about.

20 Q So I misspoke when I said that you got access to the machines. I meant  
21 that your team or folks working with your team got access to machines in Antrim County  
22 and Coffee County. Were those the only places?

23 A I've gotten information from Arizona also. I don't know how good it is.  
24 Yeah, people in Arizona have gotten some access. They're still fighting over it. People  
25 in Arizona have gotten some access to machines in Arizona.

1 Q So --

2 A But I wouldn't rely on it because I haven't seen a written report or -- but, I  
3 mean, it's consistent with everything else.

4 Q Okay. In Antrim County, there was a situation that arose or came to light  
5 on very early morning hours after the election that the unofficial tally had Biden winning  
6 Antrim County by 3,200 votes when, in fact, Trump had won Antrim County by 3,800  
7 votes. There was a 7,000 vote swing. Is that correct? Is that your understanding?

8 A Yeah. I didn't remember the numbers as well as you do, but something like  
9 that, yeah.

10 Q And the clerk in Antrim County, Sheryl Guy, explained how that came to be.  
11 Did you ever learn what her explanation was?

12 A Yes, and I heard the other side's explanation of why it wasn't true.

13 Q So -- and did you send someone to Antrim County to meet with Ms. Guy, or  
14 more specifically, did Katherine Friess go to Antrim County and talk to Sheryl Guy?

15 A Katherine Friess was in Antrim County with Phil Waldron when that was  
16 being done. I don't know if she specifically spoke to her. Most of my conversations  
17 were with Matt DePerno, who was the lawyer on the case.

18 Q Do you know what Ms. Guy told Ms. Friess about what happened with the  
19 error in Antrim County?

20 A I do. I can't remember now what it was, and I can remember the  
21 conclusion that Waldron -- well, certainly DePerno came to. Let me leave Waldron out  
22 of it.

23 Q And that conclusion was that Ms. Guy was lying?

24 A I wouldn't say that. I'd say wrong.

25 Q And what was -- what was wrong about what she said?



1           A    That it wasn't -- if the machines were as they said they were, it couldn't have  
2 happened that way.

3           Q    What couldn't have happened?

4           A    The votes could not have gotten switched.

5           Q    Well, but Ms. Guy said the votes didn't get switched. That wasn't -- she  
6 wasn't claiming that votes had switched.

7           A    Well, votes did switch when they counted them and they reported them.

8           Q    So what Ms. Guy said was that a spreadsheet that she had prepared with the  
9 unofficial tally was inaccurate because that she had made a mistake, and we can go -- we  
10 can talk in more detail about what the mistake was, and that caused the unofficial results  
11 that she was posting to not reflect what the true results were in her county. Does  
12 that --

13          A    And then every time they reran the machine that did not particularly support  
14 that, it came out with a different vote.

15          Q    Having had your team inspect the machines in Antrim county, what is -- what  
16 was the conclusion about how the votes got switched?

17          A    They believe it was programmed.

18          Q    Tell me more about the -- about what the experts found and how they  
19 explained that 7,000 vote switch.

20          A    I don't -- I don't remember the details of it. I know it wasn't the only  
21 election that was altered by the machine. There were several others. If I recall  
22 correctly, there was a ballot initiative on marijuana or something that also had switched  
23 votes. And then, when they reran the machine, first of all, it never came out the same  
24 way twice; and, second, they could easily program it to change votes. And they even  
25 had a formula that they thought was used, but I don't remember what that was.

1           Q    I sent your lawyer yesterday a copy of that Allied Systems -- Allied Security  
2   Operations Group report, just so if you want to refer to it, you could show me.   But I've  
3   read that report a few times, and I don't see any explanation in that report or any  
4   discussion really about the switching of votes.   Are you -- are you -- do you have some  
5   other report that you have access to that describes that?

6           A    Yes, that's the way it was described to me by the people who did it.   And  
7   that's that it was not -- it was not human error, that it was -- it was programmed into the  
8   machine that way.

9           Q    And did Russell Ramsland say that to you?

10          A    I didn't deal with Russell.   I mean, I dealt with Phil Waldron.

11          Q    How about Conan Hayes or Todd Sanders, did you ever talk to them about  
12   the Antrim machines?

13          A    I may have.   I don't remember the names of the people that I talked to.   I  
14   talked to maybe, not just people on our team but people on DePerno's team.

15          Q    Do you recall reviewing the Allied Security Operations Group, what I'll call  
16   ASOG, the ASOG report before it was publicly distributed?

17          A    I don't know if I did or I didn't.

18          Q    Do you recall briefing the President and Vice President about that report?

19          A    Well, of course, I can't discuss that.   That's privileged.

20          Q    Take a look -- let's pull up exhibit 28.   This is an email from Joanna Miller to  
21   Peter Navarro.   Do you know who Joanna Miller is?

22          A    I do.   She was Peter Navarro's chief assistant.

23          Q    And she is telling Mr. Navarro on December 14th -- she attaches some  
24   talking points.   I'll represent to you that those relate to Antrim, as does the press release  
25   that's attached.   And the Antrim Michigan forensic report is the ASOG report we've been

1 talking about. She tells Mr. Navarro, POTUS and VPOTUS are briefed. Passing this  
2 along from Bernie. Do you know what she's referring to there?

3 A I do not, nor could I -- I don't think -- I would have to raise privilege with this  
4 also.

5 Q Well, someone told Ms. Miller that it happened. Does that appear to be  
6 the case?

7 A I actually don't understand what this is about. There's not -- I don't see  
8 enough of it to understand the context of it.

9 Q Okay. Let's scroll down to the bottom of that email chain. The first email  
10 in the chain is from Ms. Friess, and it's to you, Mr. Kerik, Ms. Ellis, and Mr. Epshteyn. It  
11 says: Here's -- the press release is approved. Needs to go to the White House.  
12 President and VP just briefed. They are thrilled. And it looks like maybe a smiley face.

13 A I would say this is privileged. She's a lawyer communicating with her client.

14 Q And someone told -- apparently told Joanna Miller about it though.

15 A Well, Joanna Miller was working directly for Navarro.

16 Q Is that part -- would -- do you consider that a privileged communication with  
17 Mr. Navarro?

18 A Well, she was an employee of the -- of my client.

19 Q Ms. Miller worked for Mr. Trump in his individual capacity?

20 A No, I mean she works for Mr. Trump like everybody in the White House  
21 works for Mr. Trump. Mr. Navarro worked for Mr. Trump.

22 Q Are you saying that any Federal Government employee is within the scope of  
23 your attorney-client privilege?

24 A I would say those that he is talking to about this and are involved in helping  
25 with it are, sure. Not every -- not everybody in the White House obviously.

1 Q Okay.

2 A These were people who were intimately involved in investigating this for  
3 him.

4 Q Did you ever see a report --

5 A I still don't know what this -- I still don't know what that memo means. It  
6 says: He would be thrilled.

7 I don't know what that means.

8 Q Okay. And to the extent -- putting aside the memo, I understand you're  
9 not -- you're not going to answer a question about whether you, in fact, briefed the  
10 President on the ASOG report, right?

11 A Right. I wouldn't -- no, I couldn't answer that question.

12 Q Okay. Are you aware of a report that was prepared by the Department of  
13 Homeland Security with respect -- in response to the ASOG report?

14 A You mean the one in which they said the election was perfect.

15 Q No. The -- it's a -- well, let's pull it up. It's exhibit 25. And it was  
16 prepared at the direction of, I believe, the Attorney General asked Department of  
17 Homeland Security to give its assessment of the ASOG report and --

18 A Is this done by Kreb or Krebs or --

19 Q This was sent to the attorney general by Ken Cuccinelli, who was, I think,  
20 someone you know.

21 A I do know Ken, right.

22 Q And I'll represent to you that this was a document that was prepared at the  
23 request of the Attorney General to get input from Department of Homeland Security  
24 about their view of the ASOG report. I'm wondering whether you've ever seen this  
25 document before.

1           A     I've never seen it, but I'd be really careful about relying on the Department  
2 of Homeland Security for anything having to do with the election since they put out a  
3 report shortly after that the election was perfect. It surely wasn't perfect. Somebody  
4 putting out that report seems to have a bias, it seems to me.

5           Q     Okay. Are you aware of the fact that there was a hand recount of all the  
6 ballots in Antrim County a couple days after this report was issued?

7           A     No, I don't remember how they reached the final vote that turned out to be  
8 the true vote. I assume it must have been a hand recount, right.

9           Q     And the hand recount validated the results that the Dominion machines had  
10 reached in Antrim County, didn't it?

11          A     Not that I know of.

12          Q     What's your understanding of what the hand recount revealed?

13          A     That each time they did a recount, they had a different number.

14          Q     On the hand recount, you're talking about?

15          A     No, the machine. The machine reflected a different number when they ran  
16 it two or three different times.

17          Q     Did the hand recount -- oh, so you're saying that it's unclear what the  
18 Dominion machines even -- what the tabulated result was from the Dominion machines?

19          A     That's what I was told, yes, that there were at least two or three different  
20 numbers that came each time it was run. And it never -- the number was never  
21 consistent.

22          Q     Let me ask it this way, was the hand recount consistent with the theories  
23 that were -- that you described as coming out of the ASOG inspection that an algorithm  
24 had been used?

25          A     I don't know that. Once I read that and I heard the hand recount and what

1 the result was, I don't think I did it. In fact, I'm not even sure I understand your  
2 question. What is the question?

3 Q The hand recount -- let me start that again. Was the hand recount  
4 consistent with the theory that you understood the ASOG report to be laying out in terms  
5 of changed or deleted votes or switched votes or algorithms? Did the hand recount  
6 confirm any of that?

7 A Well, the hand recount confirmed that Trump should have gotten those  
8 votes and not Biden, and if somebody hadn't complained about it, namely Mr. Bailey, that  
9 would've been -- that would've been the case.

10 Q Okay. So your understanding was that the Dominion machine's tabulation  
11 was consistent or inconsistent with the hand recount?

12 A My understanding was the Dominion machine tabulation was the reason  
13 why their number was entered the way it was, and, therefore, that would be inconsistent.  
14 Now, I didn't see it so I can't testify to it directly, but that's what I was told.

15 Q Okay. Do you have any other evidence of -- besides what happened in  
16 Antrim County and what you described in Coffee County -- of voting machines being  
17 manipulated so that votes were either changed, deleted, or improperly added?

18 A Except for Michigan and Georgia, I would say all the rest of it is just hearsay,  
19 word of mouth. I mean, I have a lot of complaints about Dominion machines but none  
20 of them that can be proved without examining the machine.

21 Q Understood. Do you believe that there was foreign interference, in that  
22 there was some malign foreign actor that somehow infiltrated voting machines during the  
23 2020 election?

24 A I have no -- I have no proof of that except I was shown -- and this doesn't  
25 suggest it was a foreign interference, but I was shown a number of -- I guess there were

1 email communications that went to Frankfurt, Germany, and someplace else.

2 Q Barcelona, Spain?

3 A Yeah, you're right, Barcelona, Spain. And I do recall that there was a real  
4 effort to try to get the machine in Frankfurt, and, at one point, it was seized -- people  
5 thought it was seized by the FBI, and it since disappeared.

6 Q Well, that turned out to be a false rumor, didn't it? That's something that  
7 Representative Gohmert was pushing for a bit that servers had been seized in Germany?

8 A Well, I don't know about servers. That one is gone, that particular one. I  
9 don't know about any other servers. But there are communications and you'd to ask  
10 others to determine this, but there were communications between particularly Michigan  
11 and Frankfurt, Germany.

12 Q At one point -- I'm sorry.

13 A I have to tell you, when I look at them, all I can do is rely on the person  
14 interpreting it for me because I'm not an expert on it.

15 Q Understood.

16 A But what I did see, numerous communications with a large, what they  
17 described is a large server in Frankfurt, Germany, and I think I saw many less  
18 communications to one in Barcelona.

19 Q And at some --

20 A And I'm sure they're recoverable because they were on paper. Somebody  
21 has them.

22 Q And, at some points after the election, you claimed publicly that votes were  
23 being counted in Germany or in Spain. Do you still believe that to be the case?

24 A I was told that the purpose of that communication was through the  
25 calculation of some of these votes in some of these States to be put into a super

1 computer there and then sent back, and I was shown lines that suggested that. I don't  
2 remember Barcelona. I think Barcelona was originally thought to be the one that was  
3 involved in that, and it turned out to be Frankfurt, not Barcelona.

4 Q Are you aware of efforts made by Sidney Powell to get Presidential authority  
5 to seize voting machines based on a claim of foreign interference?

6 A Can I just discuss this with Bob? This is a very sensitive -- very sensitive  
7 issue.

8 Q Yes.

9 A I just want to make sure I'm not violating attorney-client privilege.

10 Q Okay.

11 [Discussion off the record.]



1

2 [5:11 p.m.]

3 The Witness. We're back.

4 I want to explain this to you, first, to protect me, and, secondly, to try to convince  
5 you that I'm not trying to keep information from you because of attorney-client privilege.  
6 But I'm very nervous about it, for obvious reasons. I'm going through bar association  
7 things and -- well, never mind.

8 I have a number of communications about that, what you asked me, that would  
9 be privileged. But I have one set of communications that would probably encompass  
10 most of that that is not privileged, because there was a party or maybe two parties  
11 present that had nothing to do with the investigation.

12

BY 

13 Q I know the meeting of which you speak.

14 A I know you do.

15 And so, yes, I had communications with Sidney Powell about what you're talking  
16 about, not many, but some that I can't testify about that were attorney-client privileged.  
17 But I had one communication that isn't that I think will answer the -- I think it'll answer  
18 the questions.

19 Q Well, let's talk about that, about that December 18th meeting, and there  
20 may be some other --

21 A So you can get your rulings or whatever. I would have to assert  
22 attorney-client privilege as to any other conversations with Sidney Powell, since she was  
23 the President's lawyer during the period of time that I had the communications with her.

24 Q Okay.

25 A Technically, I don't know if she was part of our team or not, but she certainly

1 was his lawyer.

2 Q Let me -- I want to push you a little bit on that, because my understanding is  
3 that she was not the President's lawyer, but I understand you're describing her as maybe  
4 a member of the team.

5 Was there a timeframe that you have in mind when you would consider her as a  
6 member of the team?

7 A Probably the first 3 or 4 weeks.

8 Q There's a -- I'll give you a point of reference. There was a statement, public  
9 statement that you and Jenna Ellis put out on November 22nd, essentially -- well, making  
10 clear that Sidney Powell was not representing the President or the campaign and that she  
11 was on her own. I'm sure you know the statement I'm talking about.

12 A Absolutely do.

13 Q So from after that date of that statement, do you still feel constrained by the  
14 privilege issues that you're describing?

15 A Yeah, because the President had his own relationship with her. And I can  
16 tell you that from the date that you -- I didn't think she was a member of our team even  
17 before that, effectively, but from the date that you're talking about she officially was not  
18 a member of our team. But I can't, unless I ask him to waive, I can't tell you whether  
19 she was his attorney or not.

20 Q Okay. So let's start with the piece where it's not problematic for you. Are  
21 we talking about the December 18th meeting where General Flynn, Patrick Byrne, and  
22 others were at the White House with Ms. Powell?

23 A Wasn't it later than September 18th? Wasn't it in December?

24 Q Did I say September? I'm sorry. I meant December 18th.

25 A Maybe you said it and I heard it wrong. I don't have the greatest hearing.

1 December 18th is the meeting, because I remember it was before Christmas.

2 And I think maybe the telephone -- maybe the thing that got me there is -- I don't think it  
3 is, no. The President called me. I was at a restaurant.

4 Q Did the President call you or did Eric Herschmann call you?

5 A Oh, that's interesting. The President definitely called me.

6 Q Okay.

7 A I think I also spoke to Eric. I don't remember in what order. I'm pretty  
8 sure Eric first, the President second.

9 Q Okay. I'm definitely not going to ask you about your conversations with the  
10 President, but you were alerted to the fact that a meeting was underway at the White  
11 House while you were at dinner in Georgetown. Is that accurate?

12 A Yes. And I think -- I mean, I think I can tell you I was also alerted to the fact  
13 that they thought it would be -- they wanted my advice on the telephone --

14 Q Okay.

15 A -- on a dispute they were having. And they started talking about things  
16 that I didn't think should be talked about on the telephone. I said, I'm only a few miles  
17 away, I don't mind coming over. The President said, absolutely, come on over right  
18 now. And I recommended that they take a break for a little while so we could sort it  
19 out.

20 So I went there. They were in different rooms, meaning I sort of describe it as  
21 the Sidney Powell, General Flynn, Pat Byrne, somebody else they had with them group.  
22 No, Phil Waldron I don't think was there.

23 Q Was Emily Newman?

24 A I don't know her really that well. That could probably be the other person,  
25 yes.

1           On the other side were Eric and Pat and at least two other people from the White  
2     House Counsel's Office, I think. I'm not certain of that. The two that I focused on are  
3     Eric and Pat.

4           Q     And by Pat, you mean Pat Cipollone, not Pat Philbin?

5           A     Yes, Pat Cipollone, the counsel to the President. And my understanding -- I  
6     don't remember who took the leading role in explaining to me what was going on, but  
7     apparently they wanted the President to sign the -- let's call it the Powell group wanted  
8     the President to sign a document -- or maybe more than one -- but the principal one was  
9     one that would allow seizure of the machines, and they weren't specifically clear about  
10    who was going to seize them.

11           And then they started really, really fighting, you know, yelling and screaming.  
12    And to get to the end result, Sidney said that she had affidavits, I believe it was 12, that  
13    showed foreign involvement in the election that, therefore, would justify the use of the  
14    military. That was sort of the issue I was called in on.

15           And I said to them, I said, let me just be fair about this. I've had a very bad  
16    experience with Sidney, because she started out as part of our team and she would make  
17    allegations, then she wouldn't give us the basis for it. Then our team would have to go  
18    out and try to defend it as best we could. And then it would turn out to be exaggerated,  
19    not necessarily false but unsupported.

20           And then when I would call her and tell her to come over and brief us, she would  
21    tell me she didn't trust my team, Jenna and Boris, because they leaked. And I said, well,  
22    it's not really necessary for them to leak because you go on television and describe it.  
23    So why the hell are you worried that somebody might leak it, you're going to be on  
24    television before? But I can't operate like this. I can't operate with you going off  
25    talking about krakens and all sorts of crazy shit. Excuse me.

1           And I said, you're going to have to come and brief me about anything you do  
2 before you go on television. So she did it once. The briefing was useless. She  
3 stopped doing it. I constantly had to call her. I had to tell her to stay off television.  
4 She wouldn't do it. So it was a terrible experience.

5           And I told the President that every time I challenged her on something and I asked  
6 her for support, except one time, I never got it or the support turned out to be totally  
7 different than what she was talking about.

8           So I'm starting off with that bias, I want everybody to know that. But I'm going  
9 to read them and I'll come back and tell you what they say. I said, Sidney, are you okay  
10 with that? I told you my bias. She said, goddamn right I am.

11           So I went and --

12           Q   Is that your Sidney Powell imitation?

13           A   I guess.

14           Mr. Costello. He's not tall enough.

15           The Witness. Yeah, I'm not tall. I don't have high enough heels, let's put it that  
16 way.

17           So I'm trying to remember. I think I -- I think the President and the White House  
18 team went upstairs --

19           Mr. Costello. Your hand again.

20           The Witness. I'm sorry, I don't know why I keep doing that.

21           The President and the White House team went upstairs to the residence, but to  
22 the public part of the residence, you know, the big -- the big parlor where you can have  
23 meetings in the conference room.

24           BY [REDACTED]

25           Q   They call it the Yellow Oval?

1           A     Yes, exactly, the Yellow Oval Office. I always called it the upper.

2           And I'm not exactly sure where the Sidney group went. I think maybe the  
3     Roosevelt Room. And I stayed in the Cabinet Room -- which is kind of cool, I really liked  
4     that -- all by myself.

5           And I was handed a number of affidavits, at least 12. They weren't that lengthy,  
6     but it still took about 45 minutes to go through them. And I came to a conclusion about  
7     them. The conclusion I came to is she didn't have 12 sources. She basically had one  
8     source that she found a way of repeating 12 different times through other people.

9           And I called them back and I told the President -- I don't remember my exact  
10    language, it wasn't nice. It was -- I told him the conclusion, this is the same thing I've  
11    gone through with Sidney before. She tells me this, and then there's either scant  
12    support for it -- and there was scant support for this, but nothing like would justify using  
13    the military.

14          And I said, I know, Mr. President, you are reluctant to use the military, but this -- I  
15    mean, this doesn't even come close. Plus, I think some of these affidavits could be seen  
16    as, you know, false affidavits, because they're tricky. They're basically using the same  
17    one piece of information, making it sound like it comes from 12 people.

18          And I think either Eric or Pat said, that's what we've been telling him. They were  
19    surprised that I agreed with them, because very often I was more aggressive than they  
20    were, although I have great respect for them. I mean, I recommended Pat for the job.

21          And I just felt we were in a somewhat different position. They were representing  
22    the institutional United States Government and I was representing a human being who  
23    needed a very, very aggressive defense because there was a very aggressive, to put it a  
24    nice way, a very aggressive pursuit of him. But I respected them. And I respected  
25    General Flynn, but he wasn't a lawyer. And I had no idea about Pat Byrne.

1           So I told the President that he could not -- he couldn't possibly sign these. And I  
2       said, this would be, number one, this may be the only thing that I know of that you ever  
3       did that could merit impeachment. You've been innocent up until now, why don't you  
4       stay that way? And he said, well, if you tell me that, no, I don't want to do it.

5           And then at some point he said, let's all go -- I'm sorry. I can't remember if I  
6       delivered that opinion in the Oval Office or upstairs. We went upstairs, because the  
7       President wanted everybody to be now peaceful. But what happened was they all sat  
8       down and had a drink. The President doesn't drink. He had Diet Coke. But the other  
9       people had some wine or something or other. And a big fight started.

10           Mark Meadows was part of this also.

11           Q     So Mark Meadows came late to the meetings in the same way that you did,  
12       right? He was not there at the outset.

13           A     Yes. He found out my conclusion and he came over. Thank God, he said.  
14       Thank God. But he and Flynn got into a big fight about it or something, and it really  
15       started to become really nasty. The President called me over, because I was the one  
16       closest to him, and he says, throw them out and I don't want them back here again. And  
17       then he called Mark over and he said the same thing, get them out of here.

18           And I said, they're going to try and come back and see you tomorrow and the next  
19       day and try to get you alone, because that's what they try to do. I'm not around,  
20       Mark's not, they'll try to get you alone. And the President said, don't worry, Mark will  
21       take care of that. You just get rid of them.

22           So I threw them out. I told them, I said, please leave.

23           Q     Can I stop you there, Mr. Giuliani? I just want to back up on one thing you  
24       just said before you finish the story. I know I'm interrupting.

25           But do you remember what Mr. Flynn and Mr. Meadows got into the fight about?

1           A    I don't. I don't. I don't. I remember Mark saying, that's really unfair,  
2   General, I supported you when only 12 people were supporting you, and I believed in you,  
3   I still believe in you, but it's really unfair you're saying that.

4           I would have to guess at what it was. So don't -- you know, it was -- sort of the  
5   argument was -- I'm going to categorically describe it as you guys are not tough enough.  
6   Or maybe I'd put it another way, you're a bunch of pussies. Excuse the expression, but  
7   that's -- I'm almost certain the word was used.

8           And it was also sort of a feeling, even you, meaning me, because I had a very close  
9   relationship with Flynn, because Flynn worked on the 2016 election. I was with  
10   President Trump 24 hours a day for 4 months as his travel companion.

11          I also helped organize his debate preparation. And I worked with General Flynn  
12   very, very well, and felt -- and I felt really sorry for General Flynn about what happened to  
13   him, because he's a good man. But he was clearly very disappointed in me. And  
14   Sidney had written me off a long time ago.

15          So they were excluded. I think the one I delivered the message to was Byrne.  
16   They were excluded and they did, as far as I can tell from Mark, they did try to come back  
17   two or three times, but they had put notices at the White House entrances that they  
18   weren't to be allowed in. And it never got signed.

19          Q    Did you hear that they --

20          A    And I have to tell you -- I mean, it's all not privileged. I have to tell you, in  
21   defense of my client, he was -- the reason he called me over and the reason he wanted  
22   this was he was very, very concerned about the idea of using the military. It was not  
23   something, by any means, that he was leading the charge on.

24          Q    Do you remember a discussion while you were present about making Sidney  
25   counsel -- Sidney Powell a special counsel? Apparently, that was discussed that night.



1 I'm not sure if that was before you arrived or after you were there.

2 A I can't imagine there was, because I probably would have gone crazy if I  
3 heard that. I would have said, you've got to be out of your mind.

4 Q Do you remember was there anything else -- obviously --

5 A I'm sorry. There was a discussion before I analyzed it about maybe she  
6 could handle it as a special counsel all on her own and the White House wouldn't have to  
7 be involved, some ridiculous thing like that. In other words, if she did it she would do it  
8 privately or it was -- but she would have to have done it on behalf of the President, so I  
9 don't know what difference that made.

10 Q So you don't -- you weren't present for any sort of argument, disagreement,  
11 conflagration over the Sidney Powell special counsel part? And I'll give you a more  
12 specific point there: With White House Counsel Cipollone or Herschmann becoming  
13 very agitated and maybe even threatening to resign if that happened.

14 A No, no, they didn't. When I was there, no. I mean, I've read the books  
15 about it and I've read the other accounts of it. And I know the part you're talking about,  
16 and, no, I was not there for that part of it.

17 Q Okay. Did you say at any point during that meeting, either when you were  
18 downstairs or up in the residence, that you had a different plan that you were working on  
19 to get access to voting machines, specifically in Georgia, as opposed to the military plan  
20 that was being proposed?

21 A We were trying to use the civil process to get access to the machines. I  
22 can't remember exactly where we were at that stage, but we had tried many different  
23 ways to see if we could get the machines seized so that we could do an independent  
24 evaluation. I can't remember exactly what the plan was then, but we had thought about  
25 the Department of Homeland Security.

1 Q Did you ever call -- -- I'm sorry, I was talking over you. I thought you had  
2 finished your answer.

3 A But it never went anywhere.

4 Q Did you ever call Mr. Cuccinelli and ask him whether the Department of  
5 Homeland Security could seize machines?

6 A Yeah. I guess I can answer that. Yes. And he told me -- he actually  
7 looked into it and called me back 2 days later and told me they couldn't. And I accepted  
8 that.

9 Q Take a look at exhibit -- let's pull up 29. And there are actually two emails  
10 on this. We'll look at 29 first.

11 And you're not, as far as I could tell -- now, it's redacted -- but, as far as I can tell,  
12 you're not copied on this, but then again, it's hard to tell with the redactions. But it did  
13 go to Mr. Kerik and Ms. Friess from General Flynn.

14 And I'll represent to you that the attachment is similar to if not identical to the  
15 documents that they were presenting to the President that night at the December 18th  
16 meeting. You could see this is December 16th.

17 A Yeah. I mean, if this is the same document, I would -- I had not seen that  
18 document until I saw it in the White House. And even if this was sent to me, I probably  
19 wouldn't have read it.

20 Q Okay. Do you remember having a discussion with Mr. Kerik or Ms. Friess  
21 about something that General Flynn was up to or that he wanted some input on?

22 Mr. Costello. Are you talking about on December 16th?

23 The Witness. I mean, I can remember, without specifying the part, I can  
24 remember the issue of the military coming up much earlier and constantly saying, will you  
25 forget about it, please? Just shut up. You want to go to jail? Just shut up. We're

1 not using the military.

2 [REDACTED] And was that a conversation with General Flynn or people within  
3 your team?

4 The Witness. Just people that would come up with the idea: Why don't we use  
5 the military? Because we don't use the military in the United States for domestic law  
6 enforcement. And voter fraud would be domestic law enforcement. But what about if  
7 a foreign nation did it? Well, prove it. Show me the proof.

8 [REDACTED] Do you remember -- and I have some documents I can show  
9 you -- but do you remember after the December 18th meeting Mark Meadows asking  
10 Sidney Powell to prove it if she had it and her sending a series of emails with what she  
11 claimed to be backup for this claim of foreign interference?

12 The Witness. Yeah, I do remember that, and those were just basically -- I think I  
13 saw those. Those were basically just rekindling --

14 Mr. Costello. Rehashing.

15 The Witness. Yeah, rehashing of what we had seen before.

16 [REDACTED] And that Mark Meadows told her that he didn't think that the  
17 evidence that she was providing was sufficient to prove the point she was trying to make.  
18 Do you recall that being conveyed on December 18th?

19 The Witness. I know that was Mark's position. And I would also say that's the  
20 difference between Mark and me. He would say it isn't sufficient. I would probably  
21 say that it's the stupidest thing I ever saw.

22 [REDACTED] The last document with respect to Sidney Powell. I want you to  
23 take a look at exhibit 73. And I think this might relate to the questions I was asking you  
24 about regarding your comments in that meeting about trying to get access to voting  
25 machines in Georgia.

1 Do you have 73?

2 Mr. Costello. No, it's not up.

3 [REDACTED] One second.

4 B [REDACTED]

5 Q Okay, scroll down to the middle email. It's the Tuesday, December --

6 A Who is this from? Is this from Sidney?

7 Q So that one right there. We can stop right there.

8 This is from Sidney Powell. It's not clear that it's to you unless we go up to the  
9 top, we can sort of see the parties that are in the later email.

10 So it looks like it's to you, Mark Meadows, and Molly Michael.

11 Do you understand Ms. Michael to be the President's assistant?

12 A Yes. Yes, absolutely.

13 Q So this is -- the second in the chain is what's up there, but just before that, a  
14 few hours earlier --

15 A This is after the meeting.

16 Mr. Costello. This is after the meeting, right?

17 BY [REDACTED]

18 Q A few days after the meeting. And you can see what she says there.

19 "Also be advised Michigan trip was not set up properly on ground with locals. Team is  
20 there with no access. It has cost us great expense that should be reimbursed by Rudy's  
21 funding. Georgia machine access promised in meeting Friday night to happen Sunday  
22 has not come through."

23 Does that suggest, refresh your recollection that you had said at the Friday night  
24 meeting December 18th that there was going to be Georgia machine access on Sunday?

25 A Could be. I don't remember that exactly, but it could be that we

1       were -- that we're negotiating with one of the boards for access to some of the machines.

2               The answer is, it could be. I'm not sure. Let me read it again.

3               Q     All she says is, "Georgia machine access promised in meeting Friday night to  
4       happen Sunday has not come through." So no explanation as to what was  
5       actually -- how it was supposed to happen or -- I was thinking that might prompt a  
6       memory for you.

7               A     It doesn't. It doesn't. It doesn't. But, I mean, we did -- I mean, the only  
8       thing that it does do is we did try to get access to Georgia machines with limited success.  
9       By that time this was -- that was over. That was in the past.

10              Q     Okay. My last -- going back to that December 18th meeting, we'll wrap  
11       that up, do you know -- our records or evidence we've seen suggests that you left maybe  
12       shortly after midnight.

13              Does that sound about right, are you able to even remember that far back, that  
14       you left the White House shortly after midnight on that December 18th meeting?

15              A     Yeah, I can't tell you, really. That was -- if you told me 2 o'clock or 11  
16       o'clock, I'd tell you. It was -- yeah, I thought maybe it was a little later than that, but  
17       okay.

18              Q     Fair enough. Fair enough. Do you remember if you were among the last  
19       people there, or when you left were some of this crew that you were talking about still  
20       meeting with the President?

21              Mr. Costello. Marc, when you say some of the crew, you're excluding Powell and  
22       Flynn and those people?

23              BY MR. [REDACTED]

24              Q     Any of those people.

25              So you talked about Pat Cipollone, Mark Meadows, Herschmann. Were any of

1 those people still left behind?

2 A The Powell group I'm pretty sure was gone by then. They were thrown out.  
3 And, no, I can't be sure if I was the last or Pat and Eric were still around, but they would  
4 have been the only ones that would have still been around.

5 I tend to think I was the last one to leave, because I think I may have talked to  
6 them down -- my son came to pick me up, and I think I talked to one of them downstairs,  
7 either Eric or Pat. I think they were waiting for their car.

8 Q Do you recall any discussion before you left --

9 A I'm not sure.

10 Q Okay. Before you left, do you recall any discussion about other issues  
11 besides the voting machine seizure issue that you've been talking about and  
12 discussing -- well, that you've talked about with us -- and maybe the Sidney Powell special  
13 counsel piece? Were any other issues discussed among the group that were convened  
14 at the residence that evening?

15 A If they were, they sort of got drowned out by the sort of drama of military  
16 involvement. And that really sort of dominated the whole thing.

17 After Sidney left, there may have been a follow-up discussion with the President  
18 and me and Eric, but that would be privileged.

19 Q Okay. So I'm going to ask you the question anyway. Do you remember  
20 whether there was any discussion about the joint session of Congress on January 6th at  
21 any point that night before you left?

22 A Well, let me stick with the -- let me think of the whole night first. I can't  
23 recall it. But I'm going to tell you, it could be that other issues, you know, were like  
24 footnotes and they sort of fell away, because that was -- and it got so heated.

25 And, apparently, it had been very heated before I got there, because one of the

1 reasons I couldn't give him any advice on the phone, I couldn't understand what they  
2 were saying. And they were -- and it was one thing for Sidney and the general to be  
3 screaming. I don't think I ever heard Pat scream in my life.

4 Q Until then?

5 A When I heard Pat screaming, I said, my God, I don't know what's -- are they  
6 going to start fighting?

7 Q Shortly after -- you left midnight or after. You say it might have even been  
8 a little bit later than that. At 1:45 that morning, so well into the night, President Trump  
9 tweeted about the January 6th protest for the first time and encouraged people to come  
10 to Washington. Was that something that was discussed at the meeting?

11 A Not that I remember. I don't remember any -- to be truthful with you, I  
12 don't remember much discussion about January 6th at all, except invitations, to speak of  
13 that -- I was first invited, then uninvited, then invited. But I don't remember -- there  
14 certainly wasn't a discussion during the nonprivileged portion. And I don't mind saying  
15 I'm almost certain there was no discussion during the -- I mean, during the privileged.  
16 Why leave that hanging? There was no discussion of January 6th that I can recall.

17 Q Okay.

18 Mr. [REDACTED] Mr. Giuliani, when did you find out you were going to be speaking  
19 on January 6th at the Ellipse?

20 The Witness. Originally, about a week before I was told -- I never spoke to the  
21 people that were doing it -- I was told that I was invited to speak on January 5th about the  
22 whole thing.

23 Mr. Costello. 5th, not 6th?

24 The Witness. The 5th, right. There was a rally on the 5th, would I speak. And  
25 they had a time. I said, yes, sure, I'll speak. Let me talk to the President, see if he

1       wants me to. I always would get permission from him.

2               Then for some reason, either I couldn't speak on the 5th because I was tied up in  
3       meetings or they decided they didn't want me on the 5th, but at some point I was told I  
4       didn't have to speak on the 5th, but they may want me to introduce the President on the  
5       6th.

6               And then I was told the President was going to speak himself on the 6th, would I  
7       just come, to which I said, of course, I'll come, but don't make it too long, because I'm  
8       really busy. That wasn't to the President, that was to the secretary.

9               I recall that the night before I got a call from Mark, who asked me if I would speak  
10      the next day with Professor Eastman together to explain that there is a legitimate legal  
11      argument that is supported by some case law and certainly by a great deal of academic  
12      discussion and law review articles and that sort of thing and precedent for what -- for the  
13      Vice President exercising discretion and sending the vote back for a short period so the  
14      State legislature can be assured that the vote is correct.

15              And there might have been some discussion also of the unconstitutionality or the  
16      arguments of unconstitutionality regarding the Election Control Act of 1877.

17              And Mark said, I would like you to go with the professor because sometimes  
18      people don't sort of get the legal argument from the professor. Maybe you can put  
19      some of the facts in or you can put it in a -- and I said, you know, I actually disagree with  
20      you about the professor. I think for a guy of his academic standing, he's rather good at  
21      explaining things, so I don't think you really need me.

22              He said, no, no, I think the President wants you to go there and just make -- and,  
23      frankly, Mark doesn't do this and he's a little nervous. Not Mark, the professor. I seem  
24      to recall that was the night before.

25              Maria Ryan, who acted really as my chief assistant at that point and she was my



1 business partner, recalls that it was the next morning, it was the last minute, and that it  
2 was so late I didn't even have any notes, but that it was essentially the same  
3 conversation, to go with Professor Eastman. And that's what I did.

4 BY MR. [REDACTED]

5 Q Okay. And so Mr. Meadows asked you to speak with Professor Eastman on  
6 the January 6th event. Is that right?

7 A It was Mark that called me and asked me to do it. It may be that in  
8 between those conversations I talked to the President. I don't really -- that I wouldn't  
9 be able to describe anyway. But I'm certain it was Mark that called me and asked me to  
10 speak.

11 Q Would Mr. Meadows have done that without the President's blessing, so to  
12 speak?

13 A No, I don't mind -- I mean, he told me the President wanted me to do it.  
14 When I tried to get out of it in the sense of -- I didn't really try to get out of it. I actually  
15 disagreed with him about Professor Eastman.

16 I always found Professor Eastman to be -- you know, there are lawyers that talk  
17 lawyer and there are lawyers that talk English, that what he was trying to tell me is that  
18 Professor Eastman talks lawyer and nobody will understand him and maybe you have to  
19 explain it.

20 And I disagreed with him. I thought Eastman was pretty darn articulate, because  
21 he had briefed a lot of different people. I heard him do it, and it was very  
22 understandable to them.

23 Q And is it your understanding that Mr. Meadows and the President wanted  
24 you to specifically discuss Professor Eastman's ideas that the Vice President had a role to  
25 play in the joint session?

1           A     He wanted people to know that there was a legal argument that could  
2     support sending the requested electoral votes back to the State legislature even at this  
3     late date, based on the unconstitutionality of the Electoral Count Act, the plenary power  
4     of the State legislature, the language in the early -- the McPherson case that says a State  
5     legislature can take its power back at any time it wants.

6           I mean, there are a whole group of legal arguments that were certainly legitimate  
7     legal arguments that you could disagree with, but you could also argue in favor of them.

8           Q     Were you aware that before January 6th the Vice President had told the  
9     President that he was not going to play a role in the joint session other than to just count  
10    votes?

11          A     I don't -- I would not be able to answer that.   That would be privileged.  
12    That would be a communication from the President to me.

13          Q     At the time you spoke on the Ellipse, the Vice President's letter had not  
14    come out yet.   And the letter I'm referring to is the one where he released around 1  
15    p.m. that day saying that he was not going to take an active role in the joint session, that  
16    his job was to count votes.   Is that right?

17          A     I don't remember the timing of my speech and his letter.

18          Q     Other than just general topics that Mr. Meadows and the President wanted  
19    you to present at the speech on the Ellipse, did you work on your remarks with anybody  
20    specifically?

21          A     No, no, it really was off the cuff, because either I found out I was going to  
22    speak the night before late or early that morning.   And I was probably too tired to write  
23    anything.   So I just spoke.

24          I seem to think I had a little piece of paper with a little outline, but I'm told by two  
25    people I checked with -- maybe I shouldn't have done it -- about my recollection that I

1 didn't have any notes.

2 Q Did you have any role in crafting or editing the President's remarks for his  
3 speech on the Ellipse?

4 A I did not.

5 Q Tell us about the morning. Where did you come to the Ellipse from? Did  
6 you go to the White House first?

7 A No. I came directly from the Willard Hotel.

8 Q How long had you been at the Willard at that point?

9 A Oh, I would say about -- we had been -- our original headquarters was the  
10 Mandarin Oriental, and that's where we set up our office. And v [REDACTED] and  
11 went to the hospital and came back, they treated me like -- they wouldn't even deliver  
12 food to my room.

13 So we switched over to the Willard. It was a little more willing to --

14 Mr. Costello. Humane.

15 The Witness. A little more willing to be humane to a poor, suffering [REDACTED]  
16 [REDACTED]

17 And so I think we went -- we went there before Christmas. That's for sure. But  
18 we were there about 4 weeks. And we had about five or six, maybe seven rooms, six  
19 rooms, seven rooms. One was a conference room and the other were bedrooms, and  
20 one room was a meeting room.

21 BY N [REDACTED]

22 Q And just for my understanding, so you went from the Willard to the Ellipse to  
23 give the speech. And then where did you go after you were finished with the speech?

24 A Right back to the Willard. I --

25 Q Did you stay -- oh, go ahead. Sorry.

1           A    Okay.  No, go ahead.  Please ask me.

2           Q    Did you stay for the President's speech?

3           A    I did.  I stayed for the President's speech.  I had a group of people with me  
4   that all wanted to come and they all wanted to be in the first two rows, people that  
5   worked both in my team and from the White House that we had been in communication  
6   with, maybe even from Navarro's office.

7                They all wanted -- because they had done so much work, they wanted to get up  
8   close.  Maybe they could get a picture.  And I don't know how I got involved in it or if  
9   one of my staff did or Maria, but we got them really nice seats in the front.

10           And I gave my speech with Eastman.  There then was a big delay.  Some other  
11   speeches were given.  The President's speech wasn't really until about an hour after I  
12   spoke, maybe more, I don't remember, but it seemed like it was quite some time.

13           It was freezing, and by the time the President got up to speak all these people that  
14   I went through hell to get them tickets wanted to leave in the middle of the President's  
15   speech.  And I said, well, you're sitting in the front, you can't do that.  It could be  
16   embarrassing.

17           But most of them were young women and they were freezing, so I let them leave.  
18   I describe it like "Sound of Music."  You remember when the Trapp family leaves and  
19   they go out one at a time.  I let one go, and then I let the other go, and then I tried to  
20   get somebody to fill in.

21           So I was there right up until the end of the speech, probably getting ready to run  
22   out.  I'm not even sure I shook hands with him after the speech.  I may have.  But I  
23   was also freezing.  And I knew we were going to have to walk a long way, because in  
24   order to get back to the Willard we had to go to a car, but the car was like half a mile  
25   away.

1           So we had to walk a long way to get to the car. And then it took us about a half  
2 hour to get back to the Willard, because we almost drove into Virginia in order to get  
3 back to the Willard.

4           And then I was ensconced in the Willard for the rest of the day, and I don't think I  
5 left until I took a walk at night or -- I don't -- I'm not sure if I went out to dinner or not.

6           Q     Did you see the President at all that day, either before or after he delivered  
7 his speech on the Ellipse?

8           A     I don't -- I mean, I looked at the telephone log you sent me -- which is very  
9 confusing, by the way -- but it does seem to show that I talked to him on the phone late in  
10 the day, late in the evening. I don't recall going to the White House that day.

11          Q     Do you remember being in the tent?

12          A     If I did go to the White House, it would have been very late at night, but  
13 that's not -- I don't think so. There would be a record of it if I did.

14          Q     Okay. Do you remember going to the tent where the President was  
15 offstage or backstage?

16          A     Yeah, a couple of times. Sure. I went to the tent a couple of times.

17          Q     Did you speak with the President in the tent?

18          A     Probably. But just general conversation, not -- and, of course, it would  
19 be -- that would be privileged too. But it wasn't -- it was nothing substantive.

20          Q     You also mentioned a number of people who were sitting with --

21          A     So maybe it wasn't privileged, because there were people all around. I  
22 don't know. I --

23          Q     But you don't -- I'm sorry.

24          A     I think I told him don't -- don't -- I might have said something like don't get  
25 disconcerted when you don't get much applause. So he said, why? I said, because

1       they all have their gloves on.

2               Q     Got it.   And who did you come over to the Ellipse with from the Willard?  
3       You said a number of people came with you.

4               A     Yeah.   Well, Maria Ryan, Christina Bobb, Christianne Allen, I think Boris,  
5       Boris Epshteyn.   I'm not sure about Boris -- or am I?   I think I have a picture with him.

6               Q     How about Mr. Kerik?

7               A     Mr. Kerik I don't think was in town.   I'm pretty certain.

8               Q     I understand that he came back early that morning and then may have gone  
9       with you to the Ellipse, if I'm not mistaken.

10              A     Oh, did he?   Did he?   Okay.   I don't remember.   I don't remember.   I  
11       have some pictures of it.   It seemed to me I -- I mean, I got tickets for about 12 people  
12       and I went over with maybe 4 or 5.   Maybe Bernie was one of them.   I could ask.

13              Q     Were you there with Mr. Bannon?

14              A     No, I don't think so.

15              Q     How about General Flynn, was he there with you?

16              A     No, not that I know.   Not with me.

17              Q     Roger Stone?

18              A     I don't remember seeing -- Roger Stone?

19              Q     Correct.

20              A     No, sir.

21              Q     He wasn't with you?

22              A     He didn't come over with me and I didn't see him there.

23              Q     Okay.

24              A     I can remember seeing Sebastian Gorka, I think Mike Huckabee, a couple of  
25       newly elected Congresswomen.

1           [REDACTED] Okay. Mr. Giuliani, I want to back up a little bit, on the same day,  
2           though, and talk a little bit about the morning.

3           You have the call log. Was there something about it that you thought was  
4           confusing? I want to try and clarify for you, if I can, before I start asking you questions.

5           Mr. Costello. Did you print it out?

6           The Witness. I did print it out, but I don't know where I put it.

7           Let me tell you what. I didn't understand if I talked to these people or I didn't,  
8           because there were -- and a number of those phone numbers, one of them is Maria  
9           Ryan's. It's not mine.

10          BY M [REDACTED]

11          Q Yes. Let me walk through with you so we can get on the same page, and I  
12          want to clarify.

13          A Yeah, you've got it. I see it now. You've got it there.

14          Q So first let me show -- I'll explain that seizure time and elapsed time, my  
15          understanding is that the seizure time may reflect the time that like, say, the phone is  
16          ringing, and the elapsed time is the actual time that you're connected to the person that  
17          you're trying to reach. So --

18          A What happens if you reach a secretary?

19          Q Well, that would --

20          A Does that go into elapsed time or seizure time?

21          Mr. Costello. That's elapsed.

1

2

BY [REDACTED]

3

Q Yes, yes.

4

A That's elapsed time?

5

Q Sure, if you're talking to someone on the phone.

6

7

And in terms of the numbers, what we have in highlights are numbers that are either one of your phones or that the [REDACTED] number, that is I know Maria Ryan's phone, but I understand that you may have used that phone from time to time.

9

10

A Yeah, but very rarely, where her name has come up. Like, I don't remember Virginia Taylor. That does not ring a bell.

11

Q Yeah.

12

A I mean, I'll tell you who I don't know or can't remember.

13

14

Q Well, let me -- but is it fair to say that you did use -- I'm going to call it the [REDACTED] number. Did you use that phone from time to time for your own calls?

15

Mr. Costello. That's Maria Ryan's.

16

The Witness. Yeah, I did, but rarely.

17

BY [REDACTED]

18

19

Q And this isn't reflected on the chart that you have, but we've looked at the phone records for that number, and there are a lot of calls with Boris Epshteyn, for example, more than 50 calls just in the first week of January of 2021.

21

22

Does that suggest that that would be you making those calls, or would Ms. Ryan have been -- or Dr. Ryan have been calling Mr. Epshteyn?

23

A She had a close relationship with Boris also.

24

25

Q Okay. There are approximately 50 calls with the White House. Would you expect that if there are calls with the White House from that number, that would be



1       you or her?

2               A     Well, it could be her trying to arrange -- it could be her, because she would  
3     do the arrangements. Will the car be let in? Who's in the car? How many different  
4     people? Things like that. Or, for example, the people that we got up front, some of  
5     them came from the White House. She would have called there and talked to them.

6               Q     Okay. That's helpful.

7               Dozens of calls from that number to Mr. Bannon. Would that --

8               A     Yes. She produces my show. She also does a show with me every  
9     Sunday, "Uncovering the Truth." So she has her own relationship with Steve.

10              Q     Okay. And on the 6th itself, there were calls from that number to, for  
11     example, Jim Jordan. Do you think that's probably you making that call?

12              A     Oh, that's probably me asking her to try to get him for me.

13              Q     Okay. And the same with John Eastman?

14              A     It could be either. She was fairly close to John also.

15              Q     Okay. And Katherine Friess, Molly Michael, same answer, I assume?

16              A     Molly Michael, could very well be her just trying to get through to the  
17     President for me. Katherine Friess could be either one of us. She would occasionally  
18     go to dinner with Katherine for a girls night out or something.

19              Q     Okay. So that's helpful. So that's the -- those are, for the most part, in  
20     gold on this chart with the [REDACTED]. I tried to color code so we can easily see which  
21     numbers are being used.

22              But the green and the pink and the blue on this chart, those are your phones,  
23     correct?

24              A     The [REDACTED], yes. The [REDACTED] yes. And, oh, yeah, yeah, [REDACTED], I recall those here.  
25     I think all those are now in the possession of the FBI.

1 Q But in this timeframe, in January of 2021, were you carrying three different  
2 phones?

3 A I guess. I thought it was two, but it looks like it was three.

4 Q Okay.

5 A I had a good phone --

6 Mr. Costello. Hold on one second.

7 The Witness. Am I wrong?

8 Mr. Costello. Did you say a [REDACTED] number?

9 Mr. [REDACTED] Yes, yes.

10 Mr. Costello. I don't think -- Rudy now has a [REDACTED] number, but I'm looking up all  
11 the numbers that I have for him, and I don't think he got that [REDACTED] number until after the  
12 seizure.

13 The Witness. Absolutely.

14 Mr. Costello. Which would have been April of what year, '21? Yeah, April of  
15 '21.

16 So yeah, he didn't have -- he would not have had the [REDACTED] number that you have  
17 there. That's not his [REDACTED] number.

18 Mr. [REDACTED] Okay. So the calls -- and there are only a few on there, that  
19 would -- those are probably not from Mr. Giuliani to Bob Costa and Peter Stone.

20 Mr. Costello. Yeah. I don't know whose number that is. But hang on, let me  
21 just double-check this.

22 The Witness. I mean, I actually assumed that that was a call with Bob Costa,  
23 because he's one of the few reporters that I don't mind talking to.

24 Mr. Costello. The sports guy?

25 The Witness. No, that's Bob Costa with The New York -- Washington Post.

1 I don't know the other guy, Peter Stone, or at least it doesn't ring a bell.

2 BY MR. [REDACTED]

3 Q Okay. So let's just focus on the other calls. It looks as if -- well, I suppose  
4 the early calls in the morning to Mr. Bannon and Mr. Epshteyn appear to all be from the  
5 [REDACTED] number, and you think that's likely Dr. Ryan.

6 A Yeah. I mean, it looks like I got two calls in the morning. No, that was to  
7 Maria. Yeah. Those would be -- I mean, I don't know what those would be for. They  
8 could be for me or they could be for her.

9 Q Okay. I want to focus on --

10 A They all seem to be relatively short.

11 Q Yeah.

12 A Maybe they didn't even reach each other. I don't know.

13 Q Right. So I want to focus on the 8:29 a.m. call. You see it's for 6 minutes.  
14 And that is from one of your phones to Mr. Bannon. Do you see that?

15 A 8:29 to Steve Bannon. Yes, yes.

16 Q Do you have any recollection or sense of what you might have been talking  
17 to Mr. Bannon about on the morning of the 6th? And it looks like there was a call  
18 maybe a minute -- a very short call just before that, if we look up 8:22.

19 A I don't know what it was about. I mean, I would be guessing at what it was  
20 about. Did I go on his show that day?

21 Q I don't know. I don't know.

22 Okay. There's a call to the White House at 8:42. Do you know if you  
23 spoke -- without talking about the substance of the call -- do you know if that was a call to  
24 the President?

25 A I don't know if that was to the President or to Mark or my son Andrew.

1 Q Okay. It looks like you spoke to Mark Meadows at 8:38, and you spoke to  
2 your son at 8:42, and then there's a call to the White House at 8:42.

3 Does that suggest to you that that was a call with the President?

4 A Without being definitive about it, that would be logical.

5 Q And then you had calls with Mr. Bannon, a short call before that call with the  
6 President, and a 6-minute call after the call with the President.

7 Do you know if the calls to Mr. Bannon had anything to do with your discussion  
8 with the President?

9 A I don't. I don't know. I doubt it. If I was going to talk to him about what  
10 the President was --

11 Q I'm going to tell you -- I'm going to share a bit of information with you and  
12 then maybe it will inform or you can tell us whether you spoke to Mr. Bannon about that.

13 Shortly after your call with Mr. Bannon, the President called Vice President Pence.  
14 We know that from White House call records. Was your call --

15 A I'm sorry, when was it?

16 Q Within 10 minutes of your call with Mr. Bannon --

17 A Which one, the 2-minute call or the 6-minute call?

18 Q The 6-minute call.

19 A Okay.

20 Q The President called the Vice President. And I'm wondering if that  
21 refreshes your recollection that perhaps your call with Mr. Bannon had something to do  
22 with the President's interactions with the Vice President and what was going to happen in  
23 the joint session of Congress.

24 A I don't -- I mean, I just don't know.

25 Q Okay. About a half an hour after all that, at 9:30, you got a call from -- I'm

1       sorry, you called Eric Herschmann.   Do you remember what you were calling him about  
2       that morning?

3               A     I would be guessing.   First of all, I'm sure it would be privileged.   And I  
4       would be guessing.   I would be guessing what it was for, purely guessing.

5               Q     Okay.   Did you talk to Mr. Herschmann that morning about John Eastman's  
6       view that the Vice President could simply refuse to count certain electoral votes?

7               A     Again, I would have to take the privilege on that.

8               Q     And that Mr. Herschmann shared with you in a phone call that he didn't  
9       think that was possible and that you expressed views to him as to whether that would be  
10      appropriate or legal?

11              A     What, that he could -- what you're saying is that he could send the vote  
12      back?

13              Q     That he could simply refuse to count certain electoral votes.   Did you  
14      discuss that possibility or that theory with -- that Dr. Eastman had that theory, did you  
15      discuss it with Mr. Herschmann that morning at 9:30?

16              A     I don't -- again, I would have to take the privilege.

17              Basically, I'll tell you my theory.   My theory was that he did have enough  
18      discretion, based on the things we've talked about, to comply with the request of a  
19      number of legislators who were in doubt about the accuracy of the number given to the  
20      Congress or the electoral college, and that he could return that to the State legislatures,  
21      but that the decisions would have to be made by the State legislatures.

22              Because I was very much and still am convinced that the Framers of the  
23      Constitution wanted this worked out by the body closest to the people as best we could,  
24      and that the Constitution was pretty clear that it should go -- if the State legislature's in  
25      doubt and there's still some time, the Vice President would have had the discretion to

1 send it back to them. I didn't think he could change anything, if that's what you're  
2 asking me.

3 Q So let me -- maybe the best way to get through this is, are you going to  
4 assert --

5 A I'm telling you now my thinking. I can't tell you that's what I talked to Eric  
6 about.

7 Q Right, because -- and that's what I want to clarify.

8 A I'm giving you what my legal position is so that you don't think it is exactly  
9 the same as the professor's, although I think the professor is entitled to his opinion and  
10 there's nothing criminal about it.

11 Q Did Mr. Herschmann ever tell you that he thought there might be something  
12 criminal about what Dr. Eastman was proposing?

13 A Oh, my goodness. Nobody ever said that to me. And if anybody ever said  
14 it to me, I would have stopped him from doing it.

15 Q Did --

16 A You have no idea how I react to the word "criminal."

17 Q Did -- let me ask you this. Are you going to assert privilege with respect to  
18 any of the phone calls that are listed here on this chart with either Mr. Herschmann, Mr.  
19 Meadows, or the White House on January 6th?

20 A I think I have to, yes.

21 Q Okay.

22 A And part of the problem is I'm not sure I know the substance of them. So if  
23 you see White House, right, I could be talking to a secretary there or a public relations  
24 person or I could be talking to the President. I just don't know.

25 Q Well, do you think -- maybe here's a way to approach this without interfering

1 with your privilege assertion.

2 Would you be able to tell us whether you had any phone conversations with the  
3 President on the afternoon of January 6th, without disclosing the substance, whether any  
4 of these phone calls that we see in the chart reflect conversations with the President?

1

2 [6:11 p.m.]

3 The Witness. I spoke to him in the -- I can tell you that I spoke to him two or  
4 three times that day. Most of it was at the end of the day, after it was all over.  
5 Because -- I may have had a call with him earlier, just talking -- talking to him, but I'm not  
6 sure of that. I have a faint recollection of a call with him. I can tell you the portion  
7 that probably is not privileged in which I told him that was a very good speech. And  
8 he -- and -- and we had a conversation about it being freezing.

9 Mr. Costello. [REDACTED] can I interrupt?

10 The Witness. That's before -- that's -- I don't recall a conversation with him with  
11 knowledge of what went on until much later in the day.

12 Mr. Costello. Can we go off the record 1 minute?

13 [REDACTED] Yes. We are off the record.

14 [Discussion off the record.]

15

BY [REDACTED]

16 Q Mr. Giuliani, you did have -- there are two calls in fairly close succession with  
17 the White House. One is at 1:39 p.m. for almost 4 minutes, and the other is at 2:03 p.m.  
18 for 8 minutes. And I will represent to you that -- that there -- that there's reporting that  
19 there was violence at the Capitol, sort of in the timeframe of those calls. Were you  
20 aware of the -- the violence at the Capitol in that timeframe, late 1:30 to 2 o'clock?

21 A If -- if I was, it wasn't -- it wasn't -- it wasn't consistent with what actually was  
22 happening.

23 Q What do you mean by that?

24 A What I mean by that is I -- there's a point at which I found out that there  
25 were a lot of problems going on at the Capitol. You know, demonstration problems.



1 And I heard people saying they shouldn't go there. But I had no idea how bad it was  
2 until much later in the day.

3 So at that point, I mean I -- I questioned the same thing when I saw those calls. I  
4 don't know if those were calls about -- first of all, I don't know if they were the President.  
5 And if I did talk to him about it, it would have been about a very different kind of situa -- a  
6 demonstration that seems to be going the wrong way, but hadn't become a disaster. I  
7 didn't know it was a disaster until late that afternoon when I finally -- when I put the  
8 television on. And also when I got a copy of --

9 Mr. Costello. Sullivan.

10 The Witness. -- Sullivan's -- of Sullivan's video, which I got very quickly. I  
11 probably had that by 5:30 in the afternoon.

12 Mr. Costello. Tell him who Sullivan is.

13 The Witness. Oh, John Sullivan is the antifa-associated guy who filmed the  
14 break-in, and also filmed the shooting of Ashli Babbitt.

15 BY [REDACTED]

16 Q How did you first learning that there were as you called them issues at the  
17 Capitol?

18 A I don't remember how I first learned. It sort of developed during the day.  
19 You know, there were problems, then more problems, and I'm paying attention to other  
20 things, not that. And then at some point, I find out it's really bad. And then I put on  
21 the television and I realize it's -- what it was. It sort of emerged, it emerged during the  
22 day.

23 Q Earlier in the --

24 A If I were talking to the President at those hours when it first began, even if I  
25 knew there was some disturbance, it would have been more in the nature of some

1 disturbance as opposed to what eventually transpired.

2 Q Were you watching TV at The Willard in the mid -- in the early- to  
3 mid-afternoon?

4 A I was not. I was -- I was write -- I was writing something.

5 You know what would be helpful, to find out if I did? Can you show me the  
6 telephone logs again?

7 Q Yeah.

8 A Around the -- around the 2 to 4 o'clock time.

9 Q Let's bring it up. And I'm going to ask you about one particular call at 2:22.

10 A Well, that answers -- no, it doesn't. At 2:22 --

11 Q Did you call Josh Hawley that afternoon?

12 A Yeah. Now, I don't -- I mean, I -- I think I called him to thank him, because  
13 he was the first one that supported us a couple days earlier. And I had played phone tag  
14 with him a few times about that. But I don't think I got through to him. I think that  
15 1:53 reflects waiting on the phone for him. But I'm trying to look at another time here.  
16 12 --

17 Q If I can stay on that call with Senator Hawley for a second.

18 A Yeah.

19 Q It looks like you -- you were on a call for 2 minutes -- close to 2 minutes with  
20 him at 2:22. And I'll represent to you that by 2:22, the Capitol had been breached, and  
21 Vice President Pence had been removed from the House Chamber. And do you recall  
22 talking to Mr. -- Senator Hawley about that?

23 A I do not. I don't recall talking to Senator Hawley.

24 Q Okay. Was there a call that you were looking for in order to sort of --

25 A Yeah, yeah, I'm trying to -- [inaudible]. Yeah. I probably didn't do -- that

1 day -- okay. Yeah, okay.

2 So I don't know what the conversation with Josh Hawley, if there was one. But I  
3 seriously doubt that at 1:53 I had knowledge of the full dimension of what was going on.

4 Q Okay. Well just to be clear, the call's at 2:22, and the duration of it was  
5 1:53, but I understand your answer.

6 You had several calls --

7 A Oh, yeah. I'm sorry, yeah, yeah.

8 Q That's okay. You had several calls in that same timeframe between 12:30  
9 and, say, 2 o'clock with Phil Waldron. Do you remember what you were talking with  
10 Mr. Waldron about that afternoon?

11 A I don't. I don't think it would be that subject. It would be one of the  
12 things we were working on, which would be privileged.

13 Q What -- what were still -- what work remained to be done on sort of the  
14 investigative side of things on January 6th?

15 A There was a -- there were two things. Well first of all, he was still trying to  
16 get access to machines, particularly in Georgia. And there was a -- there was a situation  
17 outside of Georgia where an ATF agent found a group of ballots that were being burned.  
18 And Phil was trying to get the U.S. Attorney in Atlanta to stop it so they could be  
19 examined. It was a group of -- group of Dominion ballots. The ATA -- the ATF agent on  
20 his own stopped them from burning it. And Phil was notified by the agent. And Phil  
21 was trying to get him help from the Justice Department. They eventually burned all  
22 those ballots. And Phil retained some -- some parts of them. But there was a whole  
23 issue with a group of ballots being burned, which is not inconsistent with what happened  
24 in Michigan where they destroyed a lot of records, which, by the way, is a Federal felony.

25 Q So --

1           A    So I'm just -- I don't know that that was the conversation with Phil.   And  
2           again, that would be privileged, but that was the topic going on then.   And seeing  
3           Katherine Friess in the middle of it, because they worked together, sort of suggests  
4           something similar.   Or that was a conversation with Maria.

5           Q    Okay.   Okay.   I -- by 5 o'clock in the evening, you were aware of the -- of  
6           the violence at the Capitol?

7           A    I would imagine by 5 o'clock I was aware of it, sure.   Probably by 4:00, 5:00,  
8           4:00, or 5:00, in that vicinity, I mean of the magnitude of it.

9           Q    And you have a call from the President at 5:07 for close to 12 minutes.   I  
10          assume you're not -- you're going to assert privilege with respect to that call?

11          A    Could I see that again?   Where is that?   What time was that?

12          Q    You have to scroll down.   It is 17:07.   17:07 is the time.   So it's 5:07  
13          eastern time.

14          A    Yeah, yeah.   I -- I don't -- again, I would make -- first of all, I have to assert  
15          the privilege and I would have to make assumptions about what that was about.

16          Q    Okay.   So after that call, you had two relatively short calls with Boris  
17          Epshteyn.   You asserted the privilege on those I assume?

18          A    Well, yeah.   But isn't one of those with Mar -- aren't two of those with  
19          Maria?

20          Q    I'm sorry, they are with Maria -- 4145?

21          A    He's probably -- I'm going to tell you.   He's probably trying to get me, then  
22          he finally gets me and we have a 13-minute call, yeah.

23          Q    And are you going to -- will you tell us what's -- what that call was about with  
24          the 13-minute call?

25          A    I'll have to assert the privilege with that.

1           Q    Okay. Right after the call, right after you hung up that call, there was a  
2 series of calls with United States Senators. Was that something that you discussed with  
3 Mr. Epshteyn or the President on that 5:07 call?

4           A    Well, I can't discuss the call. Except I can tell -- I don't mind telling you I  
5 don't -- I don't remember exactly why I made those calls to Marsha and to Mike.

6           Q    Well, can you tell us what you -- why you called Senator Blackburn?

7           A    No.

8           Q    Because it's privileged?

9           A    I know her, but I don't know why I called her. I mean. Was she hurt or  
10 something or -- I don't know why I called. I couldn't have called her for a briefing,  
11 otherwise it would have been longer than a 2-minute conversation.

12          Q    Okay. Well, the call to -- the next call, the one to Mike Lee is one that I  
13 think an audio of that an recording of a message you left has been publicly  
14 released -- publicly released. I'm sure recall it. It's the one where you were trying to  
15 reach Senator Tuberville and you called Senator Lee's number by mistake. Do you  
16 remember that?

17          A    I've heard it, but I don't remember it.

18          Q    Okay. But you've heard that voicemail message that's been in the media,  
19 right?

20          A    Yeah, I saw it. I saw it written out, yeah.

21          Q    And that message was trying to convince Senator Tuberville to take some  
22 measures to slow things down and -- and delay the certification of the electoral votes.  
23 Isn't that right?

24          A    I don't recall that, but if that's what it says, it says it.

25          Q    Well, do you remember calling Senators and asking them to slow things

1 down, or just somehow delay the certification of the electoral vote on the night of  
2 January 6th?

3 A I mean, I have to take the privilege on that.

4 Q What's the privilege you're asserting there?

5 A I'm obviously acting on behalf of my client.

6 Q You were leaving messages or having phone calls with United States  
7 Senators about the joint session of Congress. How could that possibly be privileged  
8 conversation?

9 A Because the conversation is about the theory of the case, and my  
10 representation of the client. But I can tell you I don't recall -- I don't recall -- I don't  
11 recall those conversations.

12 Q Do you recall where you got the phone number for Senator Tuberville that  
13 you called at -- well, you were trying to reach Senator Tuberville at 7:02. Do you know  
14 how you got that number, the [REDACTED] number?

15 A Somebody on my staff probably.

16 Q Could it have been from the President?

17 A I doubt it. Could it have been? Yes, but I doubt it.

18 Q What if I told you that the President himself had called that same number  
19 earlier in the day looking for Senator Tuberville and spoke to Mike Lee. Does that help  
20 to refresh your recollection as to where you got the number?

21 Mr. Costello. He made the same mistake?

22 [REDACTED] Well, that he had that -- yes, he made the -- if you want -- yes, he'd  
23 made the same mistake. And he obviously thought that the number -- [REDACTED] number was  
24 for Senator Tuberville. And then sometime later, Mr. Giuliani thought that same  
25 number was for that same person. I'm wondering if there's a connection.

1           The Witness. It could be. I don't -- I don't remember the President often giving  
2           me telephone numbers. Maybe -- I mean, if I did get it from him, maybe Molly sent it to  
3           me or --

4                           BY M [REDACTED]

5           Q     Okay. And -- and are -- are you going to assert the privilege with respect to  
6           the calls to Bill Hagerty and Lindsey Graham and Dan Sullivan that same night.

7           A     I'm going to tell you I don't recall what we'd talked about.

8           Q     And that you also called Josh -- oh, actually the 1415 number calling Josh  
9           Hawley again at 7:16?

10          A     That -- that that suggests to me I never got through to him, because it looks  
11          like Maria called to get through to him at 19:16. And then, I don't -- it looks to me like I  
12          didn't talk to him.

13          Q     Okay. And it looks like you did call Ted Cruz at 7:22 p.m. Are you able  
14          to -- to tell us what you discussed with Senator Cruz during that call?

15          A     I can't even tell you how many of these actually got through. I mean, the  
16          Hagerty -- the Hagerty calls look like none of them got through.

17          Q     Can you tell us why you were calling?

18          A     I was probably calling to see any -- if anything could be done.

19          Q     Done about what?

20          A     About the vote -- the vote.

21          Q     Okay.

22                 I see Mr. Aguilar has his camera on. Do you have a question Mr. Aguilar?

23                 Mr. Aguilar. I do.

24                 Mr. Mayor, is -- is it -- are you familiar with someone texting you a contact to call?  
25                 Like if someone was going to forward you a phone number to call, they can share -- you

1 know, share a contact within an iPhone --

2 The Witness. Sure.

3 Mr. Aguilar. -- that kind of thing?

4 The Witness. Sure.

5 Mr. Aguilar. Would you -- would you frequently receive contacts that way via  
6 text where you could just kind of click on it and then say -- and then -- and then call  
7 someone?

8 The Witness. Yeah. Either that way or they just text it to me.

9 Mr. Aguilar. They would just embed the phone number and text it to you?  
10 Are you --

11 The Witness. Some -- sometimes they would do it that way or sometimes they'd  
12 just sent me a text message --

13 Mr. Aguilar. Right.

14 The Witness. -- the phone number. Most people seem to prefer to do that.

15 Mr. Aguilar. Did you see phone numbers in this time period that we are talking  
16 about that way at all?

17 The Witness. No, I don't. I mean, I see a lot of strange calls, like three calls in a  
18 row to Hagerty, none of which is more than 2 minutes. It doesn't say to me, like, I got to  
19 talk to him. Maybe I left a message for him like I did with Mike Lee.

20 Mr. Aguilar. I guess I'm more interested in --

21 The Witness. Ob -- obviously I didn't get through to Jim Jordan or to Lindsey  
22 Graham. I talked to Dan Sullivan, but I don't -- I don't remember what I talked to him  
23 about. I never got --

24 Mr. Aguilar. These --

25 The Witness. I don't know -- I don't -- I don't -- I don't know why I talked to Dan



1 Sullivan twice.

2 Mr. Aguilar. These would have all been phone numbers that you would have  
3 already had in your phone do you think as a contact at the time?

4 The Witness. Many of these -- Lindsey I've known for a long, long time.  
5 Marsha Blackburn I've known for a long, long time. I knew Mike Lee's correct number,  
6 so I don't know how that happened. Jim Jordan I've known. Somebody --

7 Mr. Aguilar. Your best recollection -- your best recollection, you're not -- you're  
8 not certain that you received either an embedded phone number as a text message or  
9 someone's contact as a text message within this time period.

10 The Witness. I'm not, but -- but when you ask me did the President give me the  
11 number, that's the more likely way it would be sent to me by Molly. If -- if he were to  
12 say -- if I were to say to him could you give me somebody's number or he would say that  
13 he -- I'd like you to call someone, he wouldn't just give me the number over the phone.  
14 He'd say, Molly will send it to you.

15 Mr. Aguilar. Got it. So it would be follow-up as a text message after --

16 The Witness. It's not that he didn't do it the other way occasionally, but most of  
17 the times it was done that way.

18 Mr. Aguilar. Understood. Okay. I appreciate the clarification. Thanks,  
19 Mayor.

20 Go ahead, guys.

21 [REDACTED] Thank you, Mr. Aguilar.

22 The Witness. It looks like many of those calls I can't tell you whether I  
23 got -- whether I got through or not except the ones that are beyond 2 minutes,  
24 particularly where I -- I do three calls in a row to Hagerty. It doesn't make any sense,  
25 one, one and two.

1

BY [REDACTED]

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Q And I -- I take it that even on the ones that you know that you did get through, you're asserting privilege with respect to those calls and you're not going it to describe what the substance was?

A I think so. I'd like to think about that a little.

Q Okay.

Mr. Aguilar. One more question guys. I'm sorry.

Mr. Mayor, you mentioned in response to the question what you were concerned about making phone calls during this time period, you were concerned about the vote. Is that -- is that fair?

The Witness. Yeah. I -- I was -- I was concerned -- I'm not sure if I knew exactly when it happened, because of the demonstration and the put off of the vote. I wasn't sure if there was anything else that could be done. Like a lawyer losing a case, you want to see can be reargued in some way.

Mr. Aguilar. Were you concerned about the safety of anyone that you were talking to? Were you concerned that the Senators might not be safe, or that the Vice President might not be safe?

The Witness. I didn't think I knew -- I don't -- I don't think I knew that dimension of it even at that hour that people were unsafe. I knew -- I knew by that time that people had crashed into the White House, that they had destroyed --

Mr. Costello. The Capitol.

The Witness. The Capitol rather. That they had destroyed property. I didn't think that the other Senators or Congress --

Mr. Aguilar. In this time period, if you talked to the President at 5:07, that's -- that's 3 hours after the breach. That's -- that's a little less than 3 hours after the

1 Vice President was -- was evacuated. None of that -- you didn't know that dimension at  
2 all?

3 The Witness. I can't tell you what I talked to the President about, but I think I  
4 can tell you what I knew. I don't -- I don't -- I don't recall when I found out that the Vice  
5 President was evacuated. I knew the vote was called off, and that they had left the  
6 Capitol. That's what I thought.

7 Mr. Aguilar. Thank you for the clarification.

8 Sorry, guys.

9

BY 

10 Q Mr. Giuliani, you mentioned that you found, or you spoke -- remembered  
11 speaking to the President later that day. And I understand that you did, in fact, speak  
12 with him around 8:30 that night. Do you recall what you spoke to the President about  
13 around 8 o'clock on the evening of January 6th?

14 A Not as I sit here, I can't tell you what I talked to him about. I mean, I can -- I  
15 can assume what I talked to him about, but I don't remember what I talked about. And  
16 I -- I would assert the privilege about that.

17 Q Can you pull up exhibit No. 75, please. I'm going to show you some  
18 pictures from inside The Willard, take you back to that time. All right can you see that  
19 picture we put up? This is page 1 of exhibit 75.

20 A Yes.

21 Q Does that look like it was at The Willard on June -- or excuse me, January  
22 6th?

23 A I wouldn't -- I wouldn't know if it was --

24 Mr. Costello. How would you know that?

25 The Witness. -- I would not know if it was January 6th, but that kind of looks like

1 The Willard, yeah.

2 BY MR. [REDACTED]

3 Q But do you remember --

4 A Perhaps.

5 Q Do you remember Mr. Eastman and Mr. Ramsland and Ms. Bobb with you at  
6 The Willard on the 6th?

7 A Now that I see it, I do. I -- I would not have been able to tell you that.

8 Q And we can go to the next page, page 2.

9 A They were there often so --

10 Q This is page 2. This shows some of the same people but also a gentlemen  
11 named Mr. Luelsdorff?

12 Mr. Costello. One second. Are these photos dated?

13 [REDACTED] These photos are not dated.

14 Mr. Costello. So by what basis do you say that this is January 6th?

15 [REDACTED] I'm asking Mr. Giuliani.

16 BY [REDACTED]

17 Q Do you remember Mr. Luelsdorff being there on the 6th?

18 A I don't -- I don't recall Mr. -- I don't -- I'm looking at his face and it doesn't  
19 bring anything back to me.

20 Q How about if we go to the next page, this is page 3. Do you  
21 remember -- here's another angle of the room I suppose. Did you see Mr. Bobb, oh,  
22 excuse me, Ms. Bobb, Mr. Ramsland, Mr. Oltmann in the back who I believe may be from  
23 Colorado, along with Mr. Eastman, and then an individual in the foreground, Mr. Hyde.  
24 Do you remember those individuals being with you in The Willard on the 6th?

25 A I do not.

1 [REDACTED] Do you know Joe Oltmann.

2 Mr. Costello. Do you know Mr. Oltmann?

3 The Witness. I don't really know him. I know who he is, but I don't know him  
4 and I don't know Mr. Hyde.

5

BY [REDACTED]

6 Q Do you know what Mr. Oltmann was doing at The Willard with you, even if it  
7 wasn't the 6th?

8 A How would -- no. I mean, is it the 6th or isn't it?

9 Q Well, regardless of what -- what date it was on -- do -- what was Mr.  
10 Oltmann in there for?

11 A I don't know -- I don't know why Mr. Hyde or Mr. Oltmann were there. I  
12 don't see Eastman. I -- think that's Christina to the right. I assume I'm -- am I in that  
13 picture?

14 Q No. If we go to the next one, though, on page 4, that's you sitting down  
15 circled in red, Mr. Eastman next to you, Mr. Ryan to Mr. Eastman's left.

16 A This could be any day. But I'm sorry, I don't know the Luelsdorff guy.

17 Q Okay.

18 A I know -- I know the other four, but -- and I don't know this half figure here  
19 who that is.

20 [REDACTED] Was -- was Dr. Eastman at The Willard on days other than January  
21 6th?

22 The Witness. Oh, yes, he stayed there.

23 [REDACTED] Okay.

24

BY [REDACTED]

25 Q And what was he doing in -- I don't know if this was your room, but in the

1 area where you are?

2 A We were working on the same case.

3 Q What case was that?

4 A The -- the vote and possible constitutional challenges and -- I don't -- he -- he  
5 certainly wasn't there on January 6th.

6 Q What kind of things were you doing at The Willard on the afternoon of the  
7 6th? I mean, we saw that you were calling Senators. What else was going on?

8 A I was writing up -- I was writing up a report of all of the different law review  
9 articles on the constitutionality, kind of going through them. I remember that. I  
10 remember talking about if there were any other challenges that could be made, any other  
11 legal challenges that could be made. The idea that that room had anything to do with  
12 what was going on at the Capitol is totally wrong. It had no connection at all to anything  
13 at the Capitol.

14

BY M

15 Q I think the question just was generally, after you came back from the Ellipse  
16 from your speech, and watching the President's speech, what other activities were you  
17 engaged in in the afternoon. And I think you've just -- I think you've answered it, but is  
18 that the question you had in mind?

19 A Yeah. I mean, basically -- basically, I was reviewing a lot of documents. I  
20 was -- I was getting reports from the people and the staff about things that were still  
21 outstanding. I think that's what the Waldron con -- conversation was about. There  
22 were also some iss -- this I can't -- I can't discuss, but there were issues with a  
23 whistle -- with two whistleblowers. There was another sensitive issue involving foreign  
24 involvement that I -- that I was trying to manage. So, I really was not concentrated on  
25 what was going on at the Capitol until it was brought to my attention.

1           Q    I believe that we saw other people in that -- in those photographs has said  
2 publicly that he saw you at The Willard that day in phone conversations with people who  
3 were seeking pardons from the President. Is that accurate?

4           A    That day?

5           Q    Yes. That day on the 6th you were talking phone calls and talking to folks  
6 about potential pardons.

7           A    I don't recall that.

8           Q    Were -- were you, and without disclosing the identity of clients that's  
9 involved, were you involved in the -- in this general timeframe in -- in efforts to secure  
10 pardon for anyone?

11          A    I gave advice. I never -- I never had a client or a particular person I wanted  
12 to pardon for, but I gave advice to the President when he asked. And, of course, that  
13 would be privileged.

14          Q    Did anyone ever ask you if you could give them some assistance in seeking a  
15 pardon from President Trump?

16          A    Numerous people.

17          Q    In this timeframe, in early January?

18          A    Always.

19          Q    Did any Members of Congress ever ask you to assist them in getting a pardon  
20 from President Trump?

21          A    I don't recall that.

22               BY [REDACTED]

23          Q    Did General Flynn ever asked for assistance with getting a pardon from the  
24 President?

25          A    Not to me.

1 Q How about Roger Stone, did he ever request assistance for getting a pardon?

2 A Did not. Did not. I was I favor of both, but neither one of them asked. I  
3 argued in favor of both.

4 Q Did you ever request a pardon for yourself?

5 A I declined one.

6 Q You declined one. The President offered it to you?

7 A The President asked me what I thought of it. And I said I thought it would  
8 be a terrible mistake for him. It would look terrible. And for me, I didn't do anything  
9 wrong, so I'm willing to put up with 2 or 3 years of torture because I didn't commit crime.

10 Q And did the President raise this idea and offer you a pardon related to what  
11 happened on January 6th?

12 A No. It was -- that conversation may have been before January 6th.

13 Q Did the President raise the notion of pardoning himself?

14 A That would be privileged, actually, if he raised that with me. Wouldn't it?

15 Q I do want to go back to The Willard. I understand that Roger Stone was at  
16 The Willard around the at the same time you were. Did you interact with Roger Stone at  
17 The Willard?

18 A I don't recall that. I don't recall seeing Roger at The Willard. You're  
19 talking about on the 6th?

20 Q At any point.

21 A Oh, at any point. Okay.

22 Q Correct.

23 A Okay. Probably not, but I mean that would be -- that's a pretty broad  
24 question at any point. You see all kinds of people at The Willard. Although, I wasn't  
25 out of my room that much, except to go to the White House.



1 Q Did you do anything --

2 A I don't -- I don't recall meeting with Roger during that period of time.

3 Q Did you talk to Mr. Stone about the joint session of Congress or the rally on  
4 the Ellipse?

5 A No.

6 Q How about General Flynn, did you ever talk to him about the joint session of  
7 Congress or the rallies in Washington?

8 A I don't think I talked to General Flynn after that meeting in the White House  
9 until after the President was out of the White House. I mean I've talked to him since  
10 then, but certainly not during that period.

11 Q Okay. So you don't recall meeting with him in The Willard either?

12 A I do recall meeting with him at The Willard, but I would have thought it was  
13 before -- before the problem of the 18th.

14 Q What do you remember talking to him about at The Willard?

15 A I don't -- it was more general conversation than anything else, about the  
16 state of the country. Honestly, I don't remember. It was not -- it was not a tactical  
17 meeting. I think we had dinner.

18 Q Do you know Alex Jones?

19 A I don't know Alex Jones. Or I don't think I know Alex Jones. I know a lot  
20 of people that I don't know.

21 [REDACTED] Well, you know of him. You know who he -- who [REDACTED] is  
22 referring to.

23 The Witness. Only -- only now as a result of all this. I really paid no attention  
24 to Alex Jones before that. I know he had a whole history, but it really didn't mean  
25 anything to me.

1           [REDACTED] Okay.

2           The Witness. People had to tell me who Alex Jones was.

3

BY [REDACTED]

4           Q Did the violence at the Capitol on the 6th impact at all your or your team's  
5 efforts to encourage Members of Congress to raise objections or prevent the certification  
6 on the 6th?

7           A I don't -- I don't -- I don't think there was a connection between the two,  
8 because I don't think it was -- I don't -- I don't think we really appreciated quite what  
9 happened until afterwards, even -- even -- even when it was described, it -- it was hard to  
10 really get the impact of how frightened the Congressmen were and the Senators were. I  
11 thought they had all been abandoned. They had all been taken out. And I thought it  
12 was terrible that they had destroyed property like that. I -- I was -- I was really upset  
13 that -- that our people were involved in it because we had had -- we'd had 100 rallies and  
14 never had any violence.

15           And I was very disappointed that they were involved in any way with the violence.  
16 I also had quite a bit of information that antifa was involved in that violence, also and  
17 stoking it in the form of text messages, both before and after speeches. I gave that all to  
18 the U.S. Attorney's Office on -- everything that I had, that I collected.

19           And then I remember -- I remember finding out that -- that Sullivan was arrested  
20 and released in a half hour. And I thought that was very, very suspicious, since Sullivan  
21 was already under indictment for incitement in Utah with a person that was killed that he  
22 filmed. And Sullivan was outside, I don't remember where in Washington, but giving a  
23 speech about burning down the Capitol on the 5th, that I had a tape of.

24           He also had two texts, three texts to antifa members to come to Washington to  
25 take out Trump, which when I was U.S. Attorney, he'd have been visited by the Secret

1 Service because that could be construed as a threat on the President. And then I -- and  
2 then I -- I watched the whole tape with Sullivan, saw him break down the window, urge  
3 people to destroy property.

4 And then I saw a very, very strange killing that to a professional homicide  
5 prosecutor looked like a really big problem. If that were one of my detectives in New  
6 York, it would have been really close what happened to him. But there was -- there was  
7 no way that that man was in fear for his life from that woman, and that's the justification  
8 for shooting to kill. So I was a little bit thrown off by that, and by the fact that there was  
9 no concentration on that.

10 Then I had a text the day or two after from John Sullivan's brother claiming that  
11 Sullivan had succeeded in getting some 200 members of antifa in. And I am extremely  
12 disappointed that nobody's ever identified any of those people. Like, who were the two  
13 cops that moved away --

14 Mr. Costello. Three.

15 The Witness. The three cops -- it was two. The two cops that moved away at  
16 the request of an antifa member so they could start banging down Pelosi's door. Who  
17 are they, and why would they do that?

18 And why wouldn't they pull down Ashli Babbitt if it was necessary to shoot and kill  
19 her? They were right there. They didn't pull her down. And the guy who shot her  
20 had cops all around him that could have restrained her, she had no gun.

21 And finally the guy's identity was withheld forever. The whole investigation  
22 there's no report. It has many more questions than answers. And it seems to me that  
23 it isn't equal justice to spend all your time on this when we have a death without an  
24 explanation, none. There's no explanation for the killing of Ashli Babbitt. And I found  
25 that out immediately, maybe at 6 o'clock at night I saw that tape. And having watched

1 the original shooting of her, I asked one of the detectives with me to look at it separately  
2 who had experience investigating homicides. I said, Tell me what you think of this  
3 shooting. And he said, That guy's in big trouble. And I've had it looked at now by 10  
4 homicide detectives, all of whom say it's unjustifiable. That the people involved in that  
5 haven't been all questioned and identified. Who are they? Why did the cops back off  
6 the door?

7

BY [REDACTED]

8 Q Mr. Giuliani --

9 A Why didn't they try to -- so I was a little bit involved in that thinking as -- as  
10 well. And --

11 Q It sounds like -- it sounds like -- well, actually let me start over.

12 When you're at The Willard that day, were you doing anything to look into what  
13 was happening with the attack on the Capitol?

14 A Not until -- not until I was brought the tape.

15 Q And that -- when was that? Was that on the 6th?

16 A I recall getting it on -- definitely on the 6th. I can't remember exactly when.  
17 Oh, gosh, I just thought of something. I still have to take a privilege.

18 Q Okay. And did you have any role in crafting the remarks that the President  
19 was going to deliver that day in the Rose Garden where he told people at the Capitol, we  
20 love you and this is what happens when an election is stolen, but we need you to go  
21 home?

22 A When did he make those remarks?

23 Q It was about 4 o'clock in the afternoon on the 6th. Those were videotaped  
24 remarks.

25 A Did I talk to him right before that or --

1 Q I'm just asking you, do you remember having any communications with him  
2 about that?

3 A I couldn't answer it even if I did. But I -- I mean, I do remember -- I don't  
4 want to mislead you -- I do remember some of my conversations with the President that  
5 day and night. But they would all -- they'd all be privileged. Although some were  
6 per -- well, I guess it would -- I don't know. Some would be personal.

7 [REDACTED] Mr. Giuliani, you mentioned a tape that you got on the 6th.

8 The Witness. I was very upset at our possible obviously some of our people  
9 which it would call our people were involved in this.

10

BY [REDACTED]

11 Q That's what I want to get at. You mentioned a tape that you saw. On the  
12 7th on your Commonsense broadcast, you blamed antifa for the attack on the Capitol.  
13 And you relied on a video that was posted by a guy name Nick Fuentes. Is that the tape  
14 that you're talking about that you got on the 6th?

15 A No. The tape that I got on the on the on the on the 6th was by John  
16 Sullivan. And it was the one that was sold to CNN for 2 or 3 or \$400,000. There are  
17 several slightly different versions of it. It's about a 45-minute tape. Then it -- and if  
18 you get -- and then the next day I got the tape of John Sullivan in Washington speaking to  
19 a group of what he claims are antifa members, urging them to come to the Capitol and  
20 burn it down. I also have and I supply -- the U.S. Attorney's Office in Washington has all  
21 of this. I also have one, two, three text messages from him starting on the 1st of  
22 January inviting antifa members to come to the Capitol and let's really shake this damn  
23 thing up. Also let's take him out, specifically sent to antifa members. I also have a  
24 tape from him instructing antifa members on how to put on their riot gear in the right  
25 way so that they are not identified. And then I have a follow-up text next day or the day

1 after from his brother -- I'd have to go back and find it or the U.S. attorney has it, but  
2 where the brother claims that they got about 250 people -- 250 antifa people.

3 Q So is it your belief as you sit here today?

4 A And I have information, too. That's the part I can remember off the top of  
5 my head.

6

BY [REDACTED]

7 Q Based on the things you just described is it your belief that antifa was the  
8 cause of the violence --

9 A No. I believe it -- I believe it was -- I believe it was a cooperation between  
10 them and one or two of the other groups that I don't know as much about. Prou -- is it  
11 Proud Boys and whatever the crazy group there is. I don't think it was just antifa. But I  
12 think antifa saw an opportunity and took advantage of it.

13 Q And so you don't think the violence at the Capitol was caused by people who  
14 were upset about -- an election they were told was stolen?

15 A I think some of them were upset about it. But an awful lot of people were  
16 told for a very long time that the election was stolen and they didn't do any violence. I  
17 mean, I -- it -- the people who did -- a lot of people in America were told that the election  
18 was stolen and they didn't do violence. So the people who did violence did violence  
19 because there's something wrong with them, not because they were told the election  
20 was stolen. I mean half of America believes the election was stolen. We should have a  
21 Revolution if that's the case. It's ridiculous to say that the -- well, I don't know. What  
22 about -- what about the people in front of the Supreme Court Justices' houses? They  
23 are being told it's okay to do that. It violates Federal law. So why don't you put the  
24 people in prison who are telling them to do it.

25 Q Do you think that that conduct that is going on right now protesting outside

1 Justices' houses is comparable to what happened at the Capitol on January 6th?

2 A I think causation is comparable and your faulty cause causation is  
3 comparable. Do I think they did more damage on the 6th? Of course I do. But I think  
4 to -- to try and say that the reason for January 6th is because people were legitimately  
5 using their rights in America in the courts, in the legislatures, to seek redress for what  
6 they believed was a phony election is very, very unfair. It happened only once. If they  
7 really believed that, if it really was an insurrection, it wouldn't happen only once, it would  
8 go on forever and ever and ever. I think -- I think what you're doing is a great disservice  
9 for political reasons, which is why you don't have any real Republicans on that  
10 committee. It's a horrible thing that you're doing.

11

BY [REDACTED]

12 Q Will you pull up exhibit 40, please. So Mr. Giuliani, one of the things you  
13 just mentioned was protests outside of Justices' house, correct? Is that right?

14 A Yes.

15 Q Okay. And did you -- you think that's inappropriate based on kind of  
16 political views?

17 A No. I think it's inappropriate based on laws, not political views. It -- isn't  
18 the protest that's inappropriate. They have every right to protest. It's the fact that  
19 they are trying to influence a decision and this has made that a crime.

20 Q I will show you --

21 A If they were protesting in front of my house or if they were protesting in  
22 front of Senator so-and-so's house, or they were protesting in front of Mar-a-Lago, it is  
23 perfectly appropriate. But there's a specific law that insulates the judges from that kind  
24 of influence and it should be respected.

25 Q And is the basis for that because of the potential that it could intimidate,

1 influence, cause violence outside of Justices' houses and that would be inappropriate?

2 A You have to ask Congress the basis for this, but it seems to me the little I've  
3 read about it the basis is they are worried the Justices would be intimidated.

4 Q Do you --

5 A I'm not -- may I answer this?

6 Q Yeah.

7 A I don't necessarily agree with that. I'm just telling you that's the law. And  
8 they are violating the law. And do you think they are doing -- they are doing that  
9 because there are people in Congress who are very upset about what happened, act like  
10 the world is going to end if the Roe against Wade changes, and actually even approve of  
11 it. They are responsible for those people acting inappropriately.

12 Q Do you think it is only inappropriate to protest outside of somebody's house  
13 if there's a law that prohibits it?

14 A Well, of course. I mean, otherwise the First Amendment protects it. I  
15 mean, another way to have it be inappropriate, you throw a rock through the window.

16 Q Sure.

17 A Because I mean protests -- a protest is an acceptable exercise of free speech,  
18 until you violate a law. So it depends on the jur -- I took over a city that had perpetual  
19 riots and stopped them. And there's -- there's -- and I respect the right to protest, even  
20 if I disagree with it. I protected the Ku Klux Klan when they came to New York in  
21 protest. Not that I wanted to, I wanted to throw them out. I did make them take their  
22 masks off, though. Because there was a law in New York that no more than three  
23 people could walk around with a mask on, and it was passed because of the Ku Klux Klan.  
24 And I had them take their masks off and it kept it down to very few people. But that --

25 Q I just want -- yeah, I just want to make it clear that your ire towards people



1 protesting outside of people's houses seems to be based on whether there is a law in  
2 place or not. That's right?

3 A I would rather if they didn't protest at all. I don't like having a protest in  
4 front of my house. You're asking me about the law. The law allows people to protest.  
5 I'm not sure I've ever protested. I'm not a protester, but I protect the rights of people  
6 who are. Just like I protect the rights of people who disagree with me. So pro -- a  
7 pro -- there is a legitimate area for protest, which is our First Amendment gives us. And  
8 it seems like that's a pretty sacred right to petition the government. And then,  
9 there's -- there's illegal conduct that can occur that moves it from protest to -- to illegal  
10 conduct, violence, riot. And Congress, in its wisdom, has protected Supreme Court  
11 Justices from that kind of pressure because they believe it might influence their decisions.  
12 I'm not sure Congress is right, but if it's the law you've got to enforce it. And you  
13 certainly shouldn't be encouraging people to break it. But are you responsible for them  
14 doing it? I think -- I think that's a very, very faulty analysis of criminal causation.

15 Q All right. Let's pull back up exhibit 40. And we just took it down while you  
16 were speaking. But this is an email from December the 28th that Bernard Kerik sent to  
17 Chief of Staff Mark Meadows, with a -- with an attachment called the Giuliani team's  
18 strategic communications plan, version one. Do you know what I'm talking about when  
19 I say the strategic communications plans?

20 Mr. Costello. That's the thing they sent --

21 The Witness. Yes, yes.

22 You sent that to me. That was prepared by a public relations firm. That got  
23 presented to the White House by Christine -- by Ms. Friess. I didn't go -- I didn't go to  
24 the presentation.

25

BY [REDACTED]

1           Q     It looks like Mr. Kerik is sending it to Mr. Meadows. And he says in the  
2     third paragraph, "We need to get this done, done right, and done now. There's only one  
3     thing that's going to move the needle and force the legislators to do what they're  
4     constitutionally obligated to do, and that is apply pressure, specific pressure in targeted  
5     areas. And this plan does exactly that while educating the American people who will  
6     then apply pressure to make sure their legislators refuse to certify a fraudulent vote  
7     count."

8           So is it your understanding that Mr. Kerik was, based on this email, kind of  
9     supporting this plan to Mr. Meadows, the White House Chief of Staff?

10          A     That's what it look like -- looks like. I have -- I've never seen this one. I  
11     saw -- I saw the -- I saw the presentation, but I -- I let them do this, but I knew this was  
12     never be approved.

13          Q     Well, I do want to go to page 9 of this, and, actually, page 30 first. I'm  
14     sorry. Page 3 of exhibit 40. This is the attachment, it's called the strategic  
15     communications plan. It says, "Giuliani Presidential Legal Defense Team. We have 10  
16     days to execute this plan and certify President Trump." And the focus is on several  
17     States, including Arizona, Georgia, Michigan, Nevada, Pennsylvania and Wisconsin. And  
18     if we go to page 9 of this, This encourages" here on page 9 "organizing events in those  
19     States where the targets include protests at local official's homes and offices, protests at  
20     governors' mansions, protests at the lieutenant governor's home, protests at the  
21     Secretary of State's home, protests at weak Member's home, protests in D.C., and then  
22     rally for key House and Senate Members." Did you know that protests outside of State  
23     legislators' homes were, in fact, happening in this period before January the 6th?

24          A     There were some protests in Arizona. I didn't think there -- well, first of all,  
25     this plan was never implemented. It was rejected, and I knew it was going to be

1 rejected. And they had worked on it so hard and got this public relations firm involved.  
2 I said Well, go present it. But I did not go and present it. And attorney-client privilege  
3 would prohibit me from telling you what my opinion was to the President.

4 Q Okay. So it was presented to the White House, though?

5 A It was presented. I don't -- I'm not sure the President was there and it was  
6 Mark Meadows I think rejected it.

7 Q And you mention Arizona. There were protests in Arizona outside the  
8 speaker or the --

9 A You're on your own -- they -- they organized those protests -- those were  
10 absolute grassroots protests. But if you're asking me to distinguish between this and  
11 the Justices, I would say everything I see here, there's nothing illegal about that. That's  
12 perfectly First Amendment government. Of course you should be able to petition your  
13 government. Of course you should be able to come -- I've lived at Gracie Mansion, I had  
14 protests there three times a week, people petitioning me for what they wanted.

15 Q And protests based on the idea -- these protests were in theory organized or  
16 suggested on the idea that the election had been stolen. And then people did, in fact,  
17 show up outside of Arizona senator or legislators' houses, Pennsylvania legislators'  
18 houses. And there were threats to those people --

19 A If they really -- if they really -- if they really believed that, they had every  
20 right to do it.

21 Q They had every right to threaten members of legislatures?

22 A They had no right to threaten anybody. But they certainly had a right to  
23 politically protest. Threaten them with political consequences, I'm not going to vote for  
24 you. They had no right to threaten them with physical violence, of course not.

25 Q And the only difference in your mind --

1           A    Don't you -- don't you agree with the First Amendment, petition your  
2   government? I mean, this is -- this is perfect American First Amendment conduct to  
3   protest at a governor's mansion, a governor's home, a mayor's home, a Secretary of  
4   State's home. That's what we do in America. We petition our government. That's  
5   what it means. Now, when that becomes I'm going to take your kids, I'm going to beat  
6   you up, I'm going to block access to your house, now you're starting to get into illegal  
7   conduct. And we have to be sensitive enough in this country to be able to handle both.  
8   But you can't stop people from, if they believe the election was stolen and that's a good  
9   faith belief that they have, just because you don't believe it, you can't all of a sudden  
10  make it into a crime because they are protesting.

11           Q    I'm not suggesting it's a crime. I'm not suggesting it's a crime. I'm just  
12  trying to understand the recognition in your mind between the difference of --

13           A    I see a big difference between this and illegal conduct.

14                Now, if you tell me in front of the lieutenant governor's home they are going to  
15  throw rocks, they should go to jail.

16           Q    Okay.

17           A    But I did not see this. So I don't necessarily disagree with it, a lot of this I  
18  didn't see in that form.

19           Q    Okay. Well, Mr. Kerik apparently did and he sent it to the White House.  
20  I'll stop there and see if anybody has any questions here?

21           [REDACTED] No.

22           BY [REDACTED]

23           Q    I do want to go back to briefly -- are you familiar with Katrina Pierson?

24           A    Oh, sure, sure, sure. She worked for the President, right.

25           Q    Did you ever talk to her about organizing the rally on the Ellipse or speaking

1 at the rally on the Ellipse?

2 A Was that the one on the 5th?

3 Q There was -- there was an event on the 5th on Freedom Plaza and there was  
4 also an event on the 6th on the Ellipse on the 6th. Did you ever speak to her about  
5 either of those?

6 A I may have talked to her about -- originally, I was supposed to speak on the  
7 5th, I remember that. Most of those conversations were held by Maria and Christiani,  
8 not me. Did I talk to -- did I talk to her about it directly? I may have. And I would  
9 have to find out if -- if that's who they were in contact with.

10 Q Were you aware of any of her concerns about the events on the 5th and 6th  
11 in Washington and the potential for violence?

12 Mr. Costello. Which, the 5th or 6th?

13 The Witness. I'd never -- I never remember anybody raising any concerns about  
14 violence on the 5th or the 6th at all.

15 BY [REDACTED]:

16 Q Did you ever speak to Ali Alexander about the events on the 5th or 6th?

17 A I don't know Ali -- except I now know Ali Alexander from -- from all of the  
18 information that I've obtained about what happened on the 6th. I didn't know him  
19 before the 6th, or Alex whatever his name is, or any of those people.

20 Q Were you aware of anybody who was in contact with people who entered  
21 the Capitol illegally on the 6th during the attack on the Capitol.

22 A I can't imagine I was.

23 Q Were you in touch with anybody while they were inside the Capitol on the  
24 6th illegally.

25 A No, no, no, no.

1           Q    Do you know if anybody at The Willard was in touch with people who were  
2   inside the Capitol illegally while they were inside the Capitol?

3           A    I do not.

4           Q    I do want to back up for just a moment to the 5th.  We understand that  
5   there was a briefing with Members of Congress that took place on the 5th involving Mr.  
6   Waldron.  Do you know about the briefing to Members of Congress that Mr. Waldron  
7   gave?

8           A    Can you help me?  I don't -- was I there?

9           Q    If we pull up exhibit No. 60 --

10          A    I don't have it -- I don't have a recollection of it, you know, on my own.

11          Q    Do you remember briefing any Members of Congress about the joint session  
12   in the days leading up to the 6th?

13          A    I don't.  I don't have a recollection of it.

14          Q    So this exhibit 60 that just came up is a PowerPoint presentation that we  
15   understand Mr. Waldron may have provided to Members of Congress on or about  
16   January the 5th, it is called election fraud, foreign interference, and options for 6 Jan.  
17   Did -- does that title page of this presentation look familiar to you?

18          A    No, it does not.

19          Q    All right.

20          [REDACTED]   And I -- and I should add I believe their similar presentation was  
21   made only January 4th to House Members, if that jogs your recollection.

22          The Witness.  By Phil, by Phil Waldron?

23          [REDACTED]   Yes.

24          The Witness.  Same answer.  I mean I -- you'd have to do something to jog my  
25   recollection.  So far that does -- that doesn't do anything.  What was he briefing them

1       about?

2

BY [REDACTED]

3               Q     Let me go back in time, you don't recall any briefing that you had with  
4     Members of Congress leading up to the 6th.   Is that right?

5               A     I don't know.   I remember -- I mean I remember talking to them about  
6     election fraud, but not specifically January 6th.

1

2 [7:11 p.m.]

3

B [REDACTED]

4

Q Did you meet with members in -- on the Hill to talk about election fraud?

5

A I never went up to the Hill.

6

Q When do you remember speaking -- when do you remember speaking to

7

members about election fraud?

8

A Sometimes there would be meetings at the -- sometimes there would be

9

meetings at the White House, and then there was a telephone call that Mark Meadows

10

organized. I think they were basically Members of the House. That was like on a

11

Saturday afternoon and Christina Bobb and Maria, and that's the meeting you're talking

12

about with Lindsey Graham was there.

13

Q Okay. So there was a telephone call. Was that with members of House

14

Freedom Caucus on January the 2nd, which is a Saturday?

15

A It was a large number of House Members. Mark organized it. I came

16

there in the middle of it.

17

Q And what happened on --

18

A And Lindsey came there in the middle of it. And I addressed them probably

19

about the constitutionality of the Election Count Act, answered a few questions about it,

20

and then went off to the side and spoke with Lindsey while Mark carried it on. And I

21

remember Christina Bobb and Maria Ryan were with me because they had to -- they had

22

to meet -- I think they had to meet with either Navarro or Joanna Miller, and then they

23

came to our meeting.

24

Q In that call, did you present evidence of election fraud or was it mostly

25

discussing the constitutionality of the Electoral Count Act and what might happen on



1 January 6th?

2 A Gee, I don't remember for sure. So I'm going to give you, if you take it for  
3 what it's worth, sort of a guess that at that point I would've talked more about the  
4 constitutionality.

5 Q Did you talk about objections to certain States' electoral votes during the  
6 Joint Session on that call?

7 A Couldn't have talked about too many of them because we didn't receive the  
8 letter -- one letter we didn't receive until Sunday, another one until Monday. Maybe if  
9 we had had a letter from one State I might have mentioned it, but I don't recall that.

10 Q Did you anticipate letters arriving from the State legislators before they did  
11 come in?

12 A I thought there was a chance we would get it. I was surprised with the one  
13 from Pennsylvania because Senator Corman, who was the majority leader, had been very  
14 difficult about it. And then for some reason he signed the letter so that kind of shocked  
15 me.

16 BY [REDACTED]

17 Q Now, this was the same day of the call that we talked about earlier with the  
18 several hundred State legislators, right? All this happened the same day?

19 A You mean --

20 Q Do you recall that?

21 A -- the Mark Meadows call?

22 Q The one that you mentioned that we talked about earlier where Phil Kline  
23 had arranged it, and you spoke and --

24 A Yes. Yes.

25 Q -- that was all on the same day, January 2nd?

1           A    That's probably right.   Now that you put it together, that's probably right,  
2   because one was in the afternoon, and the other was in the latter part of the afternoon.

3           Q    And you also had a call with --

4           A    One I did at the Willard.   I left it -- I mean, I participated in about half of it,  
5   if half of it.   I don't know how long it went on.   It seemed like my participation was  
6   about an hour.   And then I went over to the White House.   I think I had other meetings  
7   first like with Navarro, or they did, and then I had the meeting with Meadows.   Yeah,  
8   they were the same day.

9           Q    And you also were on a call with Secretary of State Brad Raffensperger that  
10   same day.   Do you remember that, the one the President spoke to Brad Raffensperger?

11          A    Was this before or after his conversation with Raffensperger?

12          Q    Which -- when you say "this," what are you asking about?

13          A    The conversation that became very famous about --

14          Q    Yes.   Yes.   I know the call.   But you said was this before that, was this  
15   before the call, which --

16          A    I don't recall -- I don't recall my conversation with Raffensperger.

17          Q    Do you remember -- were you on that call?

18          A    That the President had with Raffensperger?

19          Mr. Costello.   Correct.

20               BY [REDACTED]

21          Q    Yes.

22          A    No, sir.

23          Q    Okay.

24          A    I don't recall my talking to Raffensperger.   I don't think I talked to Kemp  
25   either, but I'm pretty sure I didn't talk to either one of them.

1 Q Was anyone from your team on that call? Was Christina Bobb on the call  
2 with Raffensperger and the President?

3 A I have no knowledge of that.

4 Q Okay.

5 Mr. Costello. [REDACTED], it's now 7:15. We've been doing this for 7 hours and  
6 40 minutes, not including the time that we took off from 2:30 to 4:15.

7 The Witness. He's complaining. I'm not the one complaining. If I could have  
8 a cigar, I'd be fine.

9 [REDACTED] I feel like we should have a break for a cigar commercial.

10 The Witness. You know, I got banned -- I got banned from YouTube because of  
11 my cigar commercial.

12 [REDACTED] We're going to -- we're going to -- I think we're going to wrap up  
13 pretty quickly.

14 BY [REDACTED]

15 Q We are.

16 A few more questions, when did you first learn, if you did, of the President's desire  
17 to have people march to the Capitol on January 6th?

18 A Well, first of all, I'd have to object to the question.

19 Q Okay.

20 A I don't know that he had a desire to have them march to the Capitol. That  
21 sounds odd to me, because in all of our discussions about speech or no speech or which  
22 went back and forth endlessly, and it changed between the 5th and the 6th, and it was  
23 mostly done by my staff, I don't ever remember the discussion of a march on the Capitol.

24 In other words, when I -- when I -- the first time I heard about it -- the first time I  
25 heard about it -- when the President said, if you're going to the Capitol, go peacefully and

1 politically, and I didn't expect that those people in front of us were going to go march to  
2 the Capitol, if they did. I mean, there were other people that were already at the  
3 Capitol. So I -- that was never part of the calculation in my head.

4 And I have to tell you this, this is not self-serving, I had very little knowledge of or  
5 involvement in any of those things. I was involved in other things when all that was  
6 going on.

7 Q So --

8 A So I had recommended -- this is a political recommendation, not a privilege.  
9 I had recommended much earlier that the President should have one of his typical rallies,  
10 you know, the kind that he does inside and explain his position to the American people,  
11 but I thought -- this is all just Rudy Giuliani politically -- I thought it had to be done 3,  
12 4 weeks earlier. Frankly, I thought any kind of speech or -- was too late at that point.

13 Q So the first time you heard the President wanted to send people to the  
14 Capitol was during his speech on the Ellipse on January the 6th?

15 A But what did he say? Didn't he say "if you go to the Capitol," or did he tell  
16 them to go to the Capitol? I don't remember.

17 [REDACTED] He said: We are going to walk to the Capitol, implying that he  
18 would be with him. In fact, he said that he would with be with them.

19 [REDACTED] That's right.

20 The Witness. Did he really? Because he didn't go with them. He didn't go  
21 with them.

22 BY [REDACTED]

23 Q He did not.

24 A I don't recall exactly what he said, but that's the first -- to my recollection,  
25 that's the first time the Capitol came into this picture.

1 BY MR. [REDACTED]

2 Q Did you ever hear that the President might be speaking at the Capitol on  
3 January 6th?

4 A I never did.

5 Q No, okay.

6 BY [REDACTED]

7 Q Mr. Giuliani, did John Eastman ever seek your assistance in securing a  
8 pardon from President Trump?

9 A No, I don't think so. I don't think so.

10 Q Do you remember any discussions about --

11 A I can't -- I can't imagine he'd have any reason why. He never would've  
12 imagined that anybody would construe what he was doing as -- he thought he was acting  
13 as a lawyer.

14 Q Understood. Do you recall any discussions around this time about a  
15 pardon list?

16 A Around this time, meaning January 6th?

17 Q Around January 6th, let's say.

18 A I mean, there were many -- I never remember anything -- any discussion of a  
19 pardon relating to January 6th or a pardon list relating to January 6th.

20 Q Earlier you mentioned that President Trump offered you a pardon. Do you  
21 know if he ever offered a pardon to any other members of the -- his legal team?

22 A He didn't offer me a pardon. He said, there are people that say I should  
23 pardon a whole bunch of people because they're going to unfairly come after you. Do  
24 you feel that way? I said: Well, I can't speak for anyone else. And this is not  
25 privilege -- well, yes, it -- no, it really isn't. I mean -- I said: I can't speak for anyone

1 else, but I don't -- I don't want one, because I'm perfectly capable of defending myself. I  
2 didn't do anything wrong.

3 And, you know, I spent my whole life fighting crime. I spent my whole life  
4 avoiding it. I pay more income tax than I'm supposed to. So, all right, so I'll fight it if I  
5 have to. But I don't want the stigma of somebody had to pardon me for something I  
6 didn't do. But he never offered it to me. He more or less asked me if I wanted it, and I  
7 think he was very happy that I didn't.

8 Q Did he have any conversations like this with you about any other members  
9 of the legal team?

10 A Well, I'm not sure I could disclose that if he did.

11 Mr. Costello. I think you can disclose it if the answer is no.

12 The Witness. Oh, the answer is no.

13

BY [REDACTED]

14 Q Okay. Do you know if -- if he had any discussions with you about offering  
15 pardons to any members of his family?

16 A That -- that would be privileged.

17 Q Do you know if he had any conversations with you about issuing pardons to  
18 any members of his administration?

19 A That would also be privileged.

20

BY [REDACTED]

21 Q Are you aware --

22 A Go ahead.

23 Q Are you aware of the President considering pardoning the people who  
24 attacked the Capitol?

25 A No, absolutely not. I never had any discussion with him about pardoning

1 the people who attacked the Capitol, either -- I was going to say before or after he was  
2 President, but, of course, he couldn't do it after he was President.

3

BY

4 Q I think we are at the end, Mr. Giuliani. I want to ask you one sort of  
5 wrap-up question. We've talked a lot today about fraud claims or allegations. We've  
6 talked a little bit about some of the challenges that you faced in trying to establish or  
7 conclusively determine some of these allegations. Do you -- is that accurate? I mean,  
8 do you feel that you were inhibited in some way of getting the information that you  
9 needed to establish the claims of election fraud that you believed could've changed the  
10 outcome of the election?

11 A Yes.

12 Q And that --

13 A I think that -- I think it's a shame because historically they're never going to  
14 be resolved. I think the FBI and the Justice Department should have done a very, very  
15 complete investigation and done the things I couldn't do, which is to subpoena people.  
16 And therefore -- I mean, if I were the U.S. attorney conducting this investigation, I  
17 would've subpoenaed the Dominion machines, had them independently examined, and  
18 resolved one way or the other. Are they fraudulent or aren't they?

19 I would've subpoenaed the paper ballots and have an independent expert look at  
20 them and see how many of them looked like -- I mean, there's a simple process, because  
21 the -- most States have official paper for the ballots. So all you have to do is take out  
22 the ones that aren't, and you can figure out the ones that were made up. And then you  
23 can go back and check and see if these people really voted. That's a job for the FBI not a  
24 private lawyer.

25 I have no subpoena power. I have -- and not only that, I had tremendous

1 amount of the weight of public opinion against you with a media that hated and despised  
2 him. I mean, they were trying to put him in jail or impeach him for 5 years. You  
3 can't -- I mean, being on the side that you're on, you can't understand the pressure that  
4 that creates.

5 I mean, we knew that everything we did -- so, even if somebody asked for a  
6 pardon, they wouldn't be asking for it before -- because they think they did something  
7 wrong. They'd ask for it because they thought that the other side would try to frame  
8 them the way they tried to frame the President.

9 I mean, there's no question they tried to frame him over Russian collusion. It's  
10 now a foregone conclusion that she paid for that. That's a horrible, horrible thing. The  
11 hatred for him had to be unjustified, because you can't hate somebody as much as hate.

12 Q So --

13 A And it created -- it created a tremendous distortion in our politics where  
14 First Amendment rights, Second Amendment rights -- how about the FBI searching my  
15 law office? I was a Justice Department official for 12 years. I never authorized the  
16 search of a law office, I mean, ever.

17 Q Well, we started -- you started your answer that we're talking about the  
18 challenges you faced from an investigative standpoint, and I understood what you had to  
19 say on that. Mr. Kerik, I asked -- we asked Mr. Kerik similar questions when we were  
20 talking to him, and he told the select committee that, given time constraints, limited  
21 resources, and the lack of subpoena power, it was impossible for him and his team to  
22 determine conclusively whether there was widespread fraud or whether that widespread  
23 fraud would've altered the outcome of the election. Do you think that's a -- do you  
24 agree with that assessment?

25 A No. I think -- I think there's enough fraud in -- I'm going to look at the



1 States now. And this is pre 2000 Mules. Except for Nevada, I mean, I -- I -- I'm as  
2 certain as you can be that, if you investigated this properly, you would have more than  
3 enough votes to overturn -- Wisconsin should have been overturned. The law actually  
4 required it, but the law is very, very strict, and from the beginning, we knew we would  
5 have a hard time having the court use the remedy.

6 In Wisconsin, you have to keep the application or the -- or the mail-in vote is  
7 invalid. Wisconsin's constitution is anti-mail-in ballot to an extensive degree. When  
8 they superimposed mail-in ballots in Wisconsin, they never changed the constitution.  
9 Well, there were no applications, and the court, the Supreme Court of --

10 Mr. Costello. Should I answer the door?

11 The Witness. -- of Wisconsin went 4-3 with the Republican -- one of the  
12 Republican Justices voting with the four that it was too harsh a remedy. But if you read  
13 the law strictly, it says: If you don't have the application, the vote is null and void.

14 The recent report done by a former Supreme Court Justice, which comes  
15 up -- here the number was under Navarro was 216,000 indefinitely confined voter abuses  
16 recently came up with 260,000, including many people that are completely victims of  
17 Alzheimer's, wouldn't know how to vote. And nursing homes voted 100 percent, which  
18 had never happened before. So I'm pretty sure that Wisconsin you could do.

19 Pennsylvania, it really turns on what I consider to be the completely irrational  
20 decision of the Supreme Court of Pennsylvania that it's enough to have inspection of a  
21 ballot to be present in the room, even if you don't see the ballot. So, if you interpret  
22 that as present means what the intermediate court decided, she wrote an opinion saying  
23 that that's absurd. She related it to Sullivan's old thing about you're not a potted plant;  
24 you're present for a purpose. The purpose is to inspect the ballot. If you don't inspect  
25 the ballot, it's null and void. If that's the case, then there's no question that 6- or

1       700,000 votes just go right out.

2               I can go through the others.

3               BY [REDACTED]

4               Q     Well, you can. I think you have. I don't want to stop you, but --

5               A     That's a legitimate -- I guess the thing I would emphasize is, whether I'm  
6       right or wrong, it's a legitimate argument for a lawyer to make for his client. It's not  
7       based on something I made up. And it may be that some of these numbers and opinions  
8       and analysis shifted with time, but there were always a sufficient number of them to  
9       make the argument rational and reasonable, maybe not persuasive but enough for a  
10      lawyer to make it for his client.

11              Q     Understood. And you think that if you had more time and subpoena  
12      power, you could have developed further evidence to make those claims even more, you  
13      know, sort of conclusively determined. Is that fair?

14              A     I am absolutely convinced that, if you gave me the paper ballots, I could  
15      probably turn around each one of these States. I'm absolutely convinced, if you let me  
16      examine each one of those ballots, I'd pull out enough that were fraudulent, that it would  
17      shake the hell out of the country. That's what I believe.

18              Q     And, even in the absence of that subpoena power and that evidence,  
19      you're -- I hear you saying loud and clear that you felt you were acting in good faith  
20      certainly to be raising these claims?

21              A     Yes, and I did not think I was getting anybody violent because I had been at  
22      50 Trump rallies where they get crazy and nuts and everything else, but they never get  
23      violent. I told Trump -- and this is not -- I told Trump at one point: I'm very  
24      disappointed that our people would do this. I never thought they would do this.  
25      Whether antifa helped them or not, they shouldn't have been doing it.

1 Q How did he respond to that?

2 A I can't imagine how they thought they were helping him. I mean, they  
3 were enormously destructive to Donald Trump.

4 Q What was his response when you said that?

5 A He agrees with that, yeah.

6 [REDACTED] Okay. Unless anyone -- any members -- I don't think we have any  
7 members on. Any other questions from anyone else?

8 Oh, Mr. Aguilar, sorry, I didn't notice you. Mr. Aguilar, any questions?

9 Mr. Aguilar. No, I'm good. Thanks, guys.

10 [REDACTED] Thank you. Okay. Well, with that, we will -- as we discussed  
11 earlier, we have this issue of the privileged --

12 The Witness. I know you do. I appreciate that. I understand it, and we'll try  
13 to work with you on it as best we can. We don't want to cause you any extra, as they  
14 say in Italian, agita. And I do appreciate the civil way in which you conducted this  
15 hearing, which is the way it should be done, even if we fundamentally disagree.

16 M [REDACTED] Okay. Mrs. Luria -- I noticed Mrs. Luria just joined. Mrs. Luria,  
17 we're just wrapping up. I don't know if you've had a chance to listen in on any of the  
18 testimony and whether you have any questions?

19 Mrs. Luria. Oh, well, I -- thank you. I understand from my colleagues that this  
20 had gone much longer than anticipated. And I wasn't able to join earlier, but since I  
21 didn't hear the earlier part, I will just refer to the transcript. And thank you for  
22 appearing before us today.

23 The Witness. Thank you.

24 [REDACTED] Thank you, Mrs. Luria.

25 Okay. So, with that, we will be in recess, subject to the call of the chair, and we

1       can go off the record.

2               [Whereupon, at 7:33 p.m., the deposition was recessed, subject to the call of the

3       chair.]

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Certificate of Deponent/Interviewee

I have read the foregoing \_\_\_\_ pages, which contain the correct transcript of the answers made by me to the questions therein recorded.

\_\_\_\_\_

Witness Name

\_\_\_\_\_

Date